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MATT BLUNT

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December 1, 2003	January 2, 2004	January 30, 2004	February 29, 2004
December 15, 2003	January 15, 2004	January 30, 2004	February 29, 2004

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 10—Office of the Director

Chapter 33—Hospital and Ambulatory Surgical Center Data Disclosure

EMERGENCY RULE

19 CSR 10-33.040 Electronic Reporting of Patient Abstract Data by Hospitals for Public Health Syndromic Surveillance

***PURPOSE:** This rule establishes procedures for secure electronic reporting of patient abstract data for inpatients and outpatients by hospitals to the Department of Health and Senior Services for the purpose of conducting epidemiologic monitoring and studies and publishing information to safeguard the health of the citizens of Missouri as authorized by sections 192.020, 192.067 and 192.667, RSMo.*

***EMERGENCY STATEMENT:** The Department of Health and Senior Services has the responsibility to safeguard the health of Missourians. The department is charged with preventing the entrance and spread of diseases which are infectious, contagious, communicable or dangerous in their nature. The department is also charged with determining the prevalence of such diseases within the state. Because of the concern for bioterrorism events there is a need*

to establish a new data system to conduct epidemiologic monitoring and develop reports on potential health threats.

Due to the continuing terrorism threats, the Department of Health and Senior Services finds an immediate danger to the public health, safety and welfare and a compelling governmental interest to be preserved which requires emergency action to set an early effective date for the new regulation governing hospital reporting.

In light of the necessity for appropriate department response to health threats, there is a compelling governmental interest to enact these rules through emergency rulemaking.

The scope of the emergency rule is limited to the circumstances creating the emergency and complies with the protection extended in the Missouri and United States Constitutions. The Department of Health and Senior Services believes emergency regulation fair to all interested persons and parties under the circumstances. A proposed rule, which covers this same material, is published in this issue of the Missouri Register. This emergency rule was filed June 25, 2003, effective July 6, 2003 and expires January 2, 2004.

(1) The following definitions shall be used in the interpretation of this rule in addition to the definitions found in 19 CSR 10-33.010:

(A) Batch message file means the transmission of a file containing multiple discrete standard electronic messages to the department from the hospital data system on a periodic basis less than real time.

(B) Chief complaint means the textual literal or ICD-9-CM code or both pertaining to the initial complaint a patient stated during an acute care hospital encounter.

(C) Data encryption means the electronic obfuscation of data within an electronic message using industry standard practices for encryption including, but not limited to: Public Key Infrastructure (PKI), digital certificates/signatures, department generated symmetric keys, or by secure message transport protocols. Minimum requirements will be tripleDES 128-bit encryption.

(D) Default standard message means a standard electronic message meeting HL7 2.3.1 Admission, Discharge, and Transfer (ADT) specifications as identified in Exhibit A, included herein.

(E) Acute care hospital encounter means patients seen in the emergency room, urgent care and inpatient admissions of a hospital.

(F) Real time message means the transmission of discrete standard electronic messages to the department as they are generated by the hospital data system.

(G) Secure message transport protocol means a method of sending electronic data to the department in a way that prevents unauthorized access to the data. Possible methods include: Virtual Private Network (VPN), Secure File Transport Protocol (SFTP), secure socket layer (HTTPS/SSL), Secure SHell (SSH), encrypted files using TCP/IP, or other secure transmission protocol agreed upon by the hospital and the department.

(H) Standard electronic message means a real time message or batch message file meeting national or international standards for the electronic interchange of data. Standards include, but are not limited to, Health Level 7 (HL7), Extensible Mark-up Language (XML), Electronic Business XML (ebXML), Electronic Data Interchange (EDI), and other standards as they become available.

(2) All hospitals shall submit to the department a minimum data set on acute care hospital encounters occurring after December 31, 2003. Submissions may begin sooner based upon plan submission and hospital capability. If a hospital is unable to initially submit data for hospital encounters occurring after December 31, 2003, the hospital's plan shall detail an implementation plan including when the hospital will be able to comply with the rule. The data shall be submitted as a default standard electronic message or other format as agreed upon by the hospital and the department, using secure message transport protocols and data encryption.

(A) The minimum dataset shall be submitted a minimum of once per day as a batch message file containing the previous day's hospital encounters and updates.

(B) Real time messages will be default standard electronic messages. Other message formats must be approved and agreed upon by the department prior to submission of real time messages.

(3) The minimum dataset shall include: record type, hospital identifier, unique encounter identifier, type of encounter, place of service, patient medical record number, patient name, patient Social Security number, patient birth date, patient sex, patient race, patient ethnicity, residence address, city of residence, state of residence, zip code, county code, admission date, type of admission, and chief complaint. See Exhibit A and Exhibit B, included herein, for default standard electronic message specifications.

(4) Every hospital shall submit to the department by October 1, 2003 a plan that specifies how and when they will submit data to the department in compliance with section (2) of this rule. This plan may be revised by the hospital, with the approval of the department, in the event the hospital's capacity to report electronic messages changes to support the default standard electronic message as either batch or real time messages. The hospital shall notify the department by sixty (60) days in advance of the date they plan to change the method in which they report data. This plan shall include but not be limited to:

(A) Timing of messages either real time or batch;

(B) Secure message transport protocols to be used when submitting data to the department;

(C) Proposed format of data if the hospital is not able to conform to the default standard electronic message defined in Exhibit A or Exhibit B;

(D) Proposed format code set domain values if the hospital is not able to conform to the code sets defined in Exhibit A or Exhibit B;

(E) Hospital technical contact(s) and contact information for the department to utilize in the event technical assistance or support is necessary;

(F) Expected date to begin sending messages;

(G) If a change request, the reason for change.

(5) Hospitals shall notify the department by sixty (60) days in advance if they plan to submit the required data to the department through an association or related organization with which the department has a binding agreement to obtain data. Providers selecting this option are responsible for ensuring that the data meet the data standards defined in this rule and are submitted to the association or related organization so the time schedule in section (2) of this rule is met. The association or related organization is responsible for ensuring that the data are provided to the department and conform to the specifications listed in Exhibit A of this rule, meeting the time schedule of section (2) of this rule.

(6) Hospitals may submit data directly to the department or through a third party acting as their agent, other than one with which the department has a binding agreement. Providers selecting this option are responsible for ensuring that all data specifications conform to the requirements of this rule.

(7) The department may release patient data on hospital encounters to a public health authority to assist the agency in fulfilling its public health mission. This data shall not be re-released in any form by the public health authority without the prior authorization of the department. Authorization for subsequent release of the data shall be considered only if the proposed release does not identify a patient, physician or provider. However, the department may authorize contact with the patient, physician or provider based upon the information supplied. The physician and provider that provided care to a

patient shall be informed by the public health authority of any proposed contact with a patient.

(8) Any hospital which determines it will be temporarily unable to comply with any of the provisions of this rule or with the provisions of a previously submitted plan or plan of correction can provide the department with written notification of the expected deficiencies and a written plan of correction. This notification and plan of correction shall include the section number and text of the rule in question, specific reasons why the provider cannot comply with the rule, an explanation of any extenuating factors which may be relevant, the means the provider will employ for correcting the expected deficiency, and the date by which each corrective measure will be completed.

(9) Any hospital, which is not in compliance with these rules, shall be notified in writing by the department. The notification shall specify the deficiency and the action, which must be taken to be in compliance. The chief executive officer or designee shall have ten (10) working days following receipt of the written notification of non-compliance to provide the department with a written plan for correcting the deficiency. The plan of correction shall specify the means the provider will employ for correcting the cited deficiency and the date that each corrective measure will be completed.

(10) Upon receipt of a required plan of correction, the department shall review the plan to determine the appropriateness of the corrective action. If the plan is acceptable, the department shall notify the chief executive officer or designee in writing and indicate that implementation of the plan should proceed. If the plan is not acceptable, the department shall notify the chief executive officer or designee in writing and indicate the reasons why the plan was not accepted. A revised, acceptable plan of correction shall be provided to the department within ten (10) working days.

(11) Failure of the hospital to submit an acceptable plan of correction within the required time shall be considered continued and substantial noncompliance with this rule unless determined otherwise by the director of the department.

(12) Failure of any hospital to follow its accepted plan of correction shall be considered continued and substantial noncompliance with this rule unless determined otherwise by the director of the department.

(13) Any hospital in continued and substantial noncompliance with this rule shall be notified by registered mail and reported by the department to its Bureau of Hospital Licensing and Certification, Bureau of Narcotics and Dangerous Drugs, Bureau of Emergency Medical Services, Bureau of Home Health Licensing and Certification, Bureau of Radiological Health, State Public Health Laboratory, Bureau of Special Health Care Needs, the Division of Medical Services of the Department of Social Services, the Division of Vocational Rehabilitation of the Department of Elementary and Secondary Education and to other state agencies that administer a program with provider participation. The department shall notify the agencies that the provider is no longer eligible for participation in a state program.

(14) Any hospital that has been declared to be ineligible for participation in a state program shall be eligible for reinstatement by correcting the deficiencies and making written application for reinstatement to the department. Any provider meeting the requirements for reinstatement shall be notified by registered mail. The department shall notify state agencies that administer a program with provider participation that the provider's eligibility for participation in a state program has been reinstated.

19 CSR 10-33.040

HESS HL7 Exhibit A

Introduction

For the purposes of this rule, the HL7 v 2.3.1 message format will be used. ADT messages with a number of different event codes may carry information about chief complaint including A01 through A18. A04, Register a patient, will often be used to signal the beginning of a visit to the Emergency Department. A01, Admit/visit notification, and A08, Update patient information, may also be used to indicate changes to an initial A04 registration such as assigned or updated diagnosis or admission of an ER patient.

A general ADT message has the segment structure:

Segment	Description	HL7 Chapter
MSH	Message Header	2
EVN	Event Type	3
PID	Patient Identification	3
[PD1]	Additional Demographics	3
[{ NK1 }]	Next of Kin /Associated Parties	3
PV1	Patient Visit	3
[PV2]	Patient Visit - Additional Info.	3
[{ DB1 }]	Disability Information	3
[{ OBX }]	Observation/Result	7
[{ AL1 }]	Allergy Information	3
[{ DG1 }]	Diagnosis Information	6
[DRG]	Diagnosis Related Group	6
[{ PR1 }]	Procedures	6
[{ ROL }]	Role	12
[{ GT1 }]	Guarantor	6
[{ IN1 }]	Insurance	6
[{ IN2 }]	Insurance Additional Info.	6
[{ IN3 }]	Insurance Add'l Info - Cert.	6
[ACC]	Accident Information	6
[UB1]	Universal Bill Information	6
[UB2]	Universal Bill 92 Information	6

Required data elements for public health syndromic surveillance reporting are located in segments MSH, PID, PV1, and PV2. The rest of this exhibit identifies the specific formats for these segments. Elements with an optionality (OPT) of "R" are required. All other elements are not required, therefore are not described in the details of each message segment. Complete HL7 documentation can be found at <http://www.hl7.org/>. These specifications are in compliance with the specifications for HL7 version 2.3.1.

19 CSR 10-33.040

HESS HL7 Exhibit A

MSH Segment – Message Header

The message header segment (MSH) defines the intent, source, destination, and some specifics of the syntax of a message. The attributes of the message header segment are listed in the table below.

MSH Attributes

SEQ	LEN	DT	OPT	TBL#	RP/#	ITEM#	Element Name
1	1	ST	R			00001	Field Separator
2	4	ST	R			00002	Encoding Characters
3	180	HD	O			00003	Sending Application
4	180	HD	R			00004	Sending Facility
5	180	HD	R			00005	Receiving Application
6	180	HD	R			00006	Receiving Facility
7	26	TS	R			00007	Date/Time Of Message
8	40	ST	O			00008	Security
9	7	CM	R	0076		00009	Message Type
10	20	ST	O			00010	Message Control ID
11	3	PT	R			00011	Processing ID
12	8	ID	R	0104		00012	Version ID
13	15	NM	O			00013	Sequence Number
14	180	ST	O			00014	Continuation Pointer
15	2	ID	O	0155		00015	Accept Acknowledgment Type
16	2	ID	O	0155		00016	Application Acknowledgment Type
17	2	ID	O			00017	Country Code
18	6	ID	O	0211	Y/3	00692	Character Set
19	60	CE	O			00693	Principal Language Of Message

Example Segment of MSH:

```
MSH|^~\&||MO Hospital^013319934^NPI||MOHESS|MODHSS|200302171830||ADT^A04||P|2.3.1<cr>
```

If elements that contain no data (e.g., “|”) appear at the end of a segment, HL7 allows the elements to not appear. For example, the message above has no data populating elements 13-19, thus, the segment ends at element 12 (i.e., ...|2.3.1).

2.24.1.0 MSH field definitions

Field separator (ST) 00001

Definition: This field contains the separator between the segment ID and the first real field, MSH-2-encoding characters. As such it serves as the separator and defines the character to be used as a separator for the rest of the message. Recommended value is |, (ASCII 124).

Encoding characters (ST) 00002

Definition: This field contains the four characters in the following order: the component separator, repetition separator, escape character, and subcomponent separator. Expected values will be ^~\&, (ASCII 94, 126, 92, and 38, respectively)

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HESS HL7 Exhibit A

Sending facility (EI) 00004

Components: <namespace ID (IS)> ^ <universal ID (ST)> ^ <universal ID type (ID)>

This element contains the name of the originating hospital, National Provider Identifier (NPI), and "NPI" as the universal type. In the absence of an NPI, the hospital's Medicaid Provider ID may be used with the universal ID type identified as "MCID"

namespace ID	Name of originating hospital
universal ID	Unique NPI number of originating hospital
universal ID type	"NPI"

[MO Hospital^013319934^NPI]

Receiving application (EI) 00005

This element will always contain "MOHESS" for Missouri Hospital Electronic Syndromic Surveillance.

Receiving facility (EI) 00006

This element will always contain "MODHSS" for the Missouri Department of Health and Senior Services.

Date/time of message (TS) 00007

HL7 Format: YYYY[MM[DD[HHMM[SS[.S[S[S[S]]]]]]]] [+/-ZZZZ]

EXAMPLE

[200302171830]

Definition: This field contains the date/time that the sending system created the message. Local time is expected, but, if the time zone is specified, it will be used throughout the message as the default time zone. Precision to the minute level is acceptable for the purpose of this message and time zone is not required.

Message type (CM) 00009

Components: <message type (ID)> ^ <trigger event (ID)> ^ <message structure (ID)>

Definition: This field contains the message type, trigger event, and abstract message structure code for the message. The first component is the message type edited by *HL7 table 0076 - Message type*; second is the trigger event code edited by *HL7 table 0003 - Event type*; third is the abstract message structure code edited by *HL7 Table 0354 - Message structure*.

For Hospital Syndromic Surveillance all messages will be of type ADT and trigger events will be A01, A04, or A08. Message structure will not be used.

[ADT^A04]

Processing ID (PT) 00011

Components: <processing ID (ID)> ^ <processing mode (ID)>

EXAMPLE

[P]

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HESS HL7 Exhibit A

Definition: This field is used to decide whether to process the message as defined in HL7 Application (level 7) Processing rules, above. The first component defines whether the message is part of a production, training, or debugging system (refer to *HL7 table 0103 - Processing ID* for valid values). The second component defines whether the message is part of an archival process or an initial load (refer to *HL7 table 0207 - Processing mode* for valid values). This allows different priorities to be given to different processing modes.

Most messages for Hospital Syndromic Surveillance will be Production messages. Other values will only be accepted for the purposes of initial testing, debugging, or archival data as instructed by MODHSS.

Table 0103 - Processing ID

Value	Description
D	Debugging
P	Production
T	Training

Table 0207 - Processing mode

Value	Description
A	Archive
R	Restore from archive
I	Initial load
not present	Not present (the default, meaning <i>current processing</i>)

Version ID (VID) 00012

Components: <version ID (ID)> ^ <internationalization code (CE)> ^ <internal version ID (CE)>

EXAMPLE

|2.3.1|

Definition: This field is matched by the receiving system to its own version to be sure the message will be interpreted correctly. Preferred version is 2.3.1.

Table 0104 - Version ID

Value	Description
2.0	Release 2.0 September 1988
2.0D	Demo 2.0 October 1988
2.1	Release 2.1 March 1990
2.2	Release 2.2 December 1994
2.3	Release 2.3 March 1997
2.3.1	Release 2.3.1

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1.0 PID Segment – Patient Identification

The PID segment is used as the primary means of communicating patient identification information. This segment contains permanent patient identifying and demographic information that is not likely to change frequently.

PID Attributes

SEQ	LEN	DT	OPT	TBL#	RP/#	ITEM#	Element Name
1	4	SI	R			00104	Set ID - Patient ID
2	20	CX	O			00105	Patient ID (External ID)
3	20	CX	R		Y	00106	Patient ID (Internal ID)
4	20	CX	O		Y	00107	Alternate Patient ID - PID
5	48	XPN	R			00108	Patient Name
6	48	XPN	O			00109	Mother's Maiden Name
7	26	TS	R			00110	Date/Time of Birth
8	1	IS	R	0001		00111	Sex
9	48	XPN	O		Y	00112	Patient Alias
10	1	IS	R	0005		00113	Race
11	106	XAD	R		Y	00114	Patient Address
12	4	IS	O			00115	County Code
13	40	XTN	R		Y	00116	Phone Number - Home
14	40	XTN	O		Y	00117	Phone Number - Business
15	60	CE	O	0296		00118	Primary Language
16	1	IS	O	0002		00119	Marital Status
17	3	IS	O	0006		00120	Religion
18	20	CX	O			00121	Patient Account Number
19	16	ST	R			00122	SSN Number - Patient
20	25	CM	O			00123	Driver's License Number - Patient
21	20	CX	O		Y	00124	Mother's Identifier
22	3	IS	R	0189		00125	Ethnic Group
23	60	ST	O			00126	Birth Place
24	2	ID	O	0136		00127	Multiple Birth Indicator
25	2	NM	O			00128	Birth Order
26	4	IS	O	0171	Y	00129	Citizenship
27	60	CE	O	0172		00130	Veterans Military Status
28	80	CE	O			00739	Nationality
29	26	TS	O			00740	Patient Death Date and Time
30	1	ID	R	0136		00741	Patient Death Indicator

Example Segment of PID

PID|1||95101100001^MO Hospital&013319934&NPI||Doe^John^Q^Jr||19641004|M||W|2166
Wells Drat B^Jefferson
City^MO^65101^USA^Cole||^206^6793240|||||423523049|||N|||||N|<cr>

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PID-1 Set ID-patient ID (SI)

This field allows for multiple PID segments (i.e. multiple patient reports) with a single MSH. The Set ID field is used to identify repetitions. For hospital-based reporting, it is strongly recommended that information for only one patient be sent per message, in other words, one PID per MSH. Thus, PID-1 may be left blank or should appear as:

|1|

PID-3 Patient ID (internal ID) (CX)

PID-3 is essentially the patient identifier (i.e., medical record number) from the hospital, which is submitting the report to public health officials. The field has the same components as PID-2:

<ID (ST)> ^ <check digit (ST)> ^ <code identifying the check digit scheme employed (ID)> ^ <assigning authority (HD)> ^ <identifier type code (IS)> ^ <assigning facility (HD)>

The <assigning facility> is a component of PID-2, and thus is separated from the other components by a “^”. The component <assigning facility> has three subcomponents which are separated with a “&”. Since HL7 allows users to define the subcomponents of the HD data type, the <assigning facility> has the following definition for the hospital-based reporting message:

namespace ID	Name of originating hospital
universal ID	Unique NPI number of originating hospital
universal ID type	“NPI”

Repeating Identifiers

Repeating Identifiers are used when there is a need to represent multiple internal identifiers used at an institution. The field would appear as:

```
|95101100001^^^^MO Hospital&013319934&NPI||~|56850125M7^^^^MO
Hospital&013319934&NPI|
```

PID-5 Patient Name (XPN)

Field has the following components:

<family name (ST)> ^ <given name (ST)> ^ <middle initial or name (ST)> ^ <suffix (e.g., JR or III) (ST)> ^ <prefix (e.g., DR) (ST)> ^ <degree (e.g., MD) (ST)> ^ <name type code (ID)>

For example:

```
|Doe^John^Q^Jr|
```

PID-7 Date/Time of Birth (TS)

The field has the same structure as defined for MSH-7. The field should contain at least the year, month, and date. For example:

```
|19641004|
```

If the patient's age only is available, HL7 2.3 allows the degree of precision to be changed so that only the year is provided:

```
|1964|
```

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PID-8 Sex (IS)

HL7 allows users to define the values for Table 0001. The accepted values for the hospital-based reporting message are:

Sex - Table 0001

Value	Description
F	Female
M	Male
U	Unknown / not stated

For example:

|M|

PID-10 Race (IS)

HL7 allows users to define the values for Table 0005. The values below are recommended for the hospital-based reporting message:

Race - Table 0005

Value	Description
W	White
B	Black
A	Asian or Pacific Islander
I	American Indian or Alaskan Native
M	Multiracial
O	Other
U	Unknown

For example:

|W|

If possible, "M" (multiracial) should be indicated as repeating values using the repetition character "~".

Example: |M|~|W|~|I|

PID-11 Patient Address (XAD)

This field contains the mailing address of the patient. This information is of great importance to agencies receiving reports. The information allows health officials to notify local agencies of potential public health problems in their jurisdictions.

Multiple addresses for the same person may be sent (using the repetition character "~") in the following sequence: the primary mailing address must be sent first in the sequence; if the primary mailing address is not sent then a repeat delimiter must be sent in the first sequence. The field has the following components:

<street address (ST)> ^ < other designation (ST)> ^ <city (ST)> ^ <state or province (ST)> ^
<zip or postal code (ST)> ^ <country (ID)> ^ <address type (ID)> ^ <other geographic
designation (ST)> ^ <county/parish code (IS)> ^ <census tract (IS)>

For example:

|2166 Wells Dr^Apt B^Jefferson City^MO^65101^USA^^^Cole|

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PID-13 Phone Number - Home (XTN)

Field will follow the HL7-defined structure for extended telecommunications number, data type XTN, which has the following components:

[NNN] [(999)]999-9999 [X99999] [B99999] [C any text] ^ <telecommunication use code (ID)> ^ <telecommunication equipment type (ID)> ^ <E-mail address (ST)> ^ <country code (NM)> ^ <area/city code (NM)> ^ <phone number (NM)> ^ <extension (NM)> ^ <any text (ST)>

Components five through nine reiterate the basic function of the first component in a delimited form that allows the expression of both local and international telephone numbers. In HL7 Version 2.3, the recommended form for the telephone number is to use the delimited form rather than the unstructured form supported by the first component (which is left in for backward compatibility only). Alternative home phone numbers can be provided with the repeating character “~”.

For example:

|~~~~206^6793240^call after 5:00 pm only ~ ~~~~~206^6795772|

PID-14 Phone Number - Business (XTN)

Field will follow the HL7-defined structure for extended telecommunications number (XTN) as described in PID-13.

PID-19 Social Security Number (SSN) (ST)

This field contains the patient's social security number. The field should contain the 9 digit SSN without hyphens or spaces.

For example:

|423523049|

PID-22 Ethnic Group (IS)

The following table should be used for hospital-based reporting if the ethnic group of the patient is known:

Ethnic Group - Table 0189

Value	Description
H	Hispanic
N	Non-Hispanic
U	Unknown

For example:

|N|

PID-29 Patient death date and time (TS)

Field is optional for HL7 2.3 but is recommended for hospital-based reporting if available.

PID-30 Patient death indicator (ID)

Field is optional for HL7 2.3 but is recommended for hospital-based reporting if available. HL7 requires the use of *HL7 table 0136 - Yes/No Indicator* for PID-30 where Y=yes and N=no.

An example for a patient that died is:

|Y|

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PV1 Segment – Patient visit segment

The PV1 segment is used by Registration/Patient Administration applications to communicate information on a visit-specific basis.

SEQ	LEN	DT	OPT	RP/#	TBL#	ITEM#	ELEMENT NAME
1	4	SI	O			00131	Set ID - PV1
2	1	IS	R		0004	00132	Patient Class
3	80	PL	O			00133	Assigned Patient Location
4	2	IS	R		0007	00134	Admission Type
5	20	CX	O			00135	Preadmit Number
6	80	PL	O			00136	Prior Patient Location
7	80	XCN	O	Y	0010	00137	Attending Doctor
8	60	XCN	O	Y	0010	00138	Referring Doctor
9	60	XCN	O	Y	0010	00139	Consulting Doctor
10	3	IS	O		0069	00140	Hospital Service
11	80	PL	O			00141	Temporary Location
12	2	IS	O		0087	00142	Preadmit Test Indicator
13	2	IS	O		0092	00143	Re-admission Indicator
14	3	IS	R		0023	00144	Admit Source
15	2	IS	O	Y	0009	00145	Ambulatory Status
16	2	IS	O		0099	00146	VIP Indicator
17	60	XCN	O	Y	0010	00147	Admitting Doctor
18	2	IS	O		0018	00148	Patient Type
19	20	CX	R			00149	Visit Number
20	50	FC	O	Y	0064	00150	Financial Class
21	2	IS	O		0032	00151	Charge Price Indicator
22	2	IS	O		0045	00152	Courtesy Code
23	2	IS	O		0046	00153	Credit Rating
24	2	IS	O	Y	0044	00154	Contract Code
25	8	DT	O	Y		00155	Contract Effective Date
26	12	NM	O	Y		00156	Contract Amount
27	3	NM	O	Y		00157	Contract Period
28	2	IS	O		0073	00158	Interest Code
29	1	IS	O		0110	00159	Transfer to Bad Debt Code
30	8	DT	O			00160	Transfer to Bad Debt Date
31	10	IS	O		0021	00161	Bad Debt Agency Code
32	12	NM	O			00162	Bad Debt Transfer Amount
33	12	NM	O			00163	Bad Debt Recovery Amount
34	1	IS	O		0111	00164	Delete Account Indicator
35	8	DT	O			00165	Delete Account Date
36	3	IS	O		0112	00166	Discharge Disposition
37	25	CM	O		0113	00167	Discharged to Location
38	80	CE	O		0114	00168	Diet Type
39	2	IS	O		0115	00169	Servicing Facility
40	1	IS	O		0116	00170	Bed Status
41	2	IS	O		0117	00171	Account Status
42	80	PL	O			00172	Pending Location
43	80	PL	O			00173	Prior Temporary Location
44	26	TS	R			00174	Admit Date/Time

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SEQ	LEN	DT	OPT	RP/#	TBL#	ITEM#	ELEMENT NAME
45	26	TS	O			00175	Discharge Date/Time
46	12	NM	O			00176	Current Patient Balance
47	12	NM	O			00177	Total Charges
48	12	NM	O			00178	Total Adjustments
49	12	NM	O			00179	Total Payments
50	20	CX	O		0203	00180	Alternate Visit ID
51	1	IS	O		0326	01226	Visit Indicator
52	60	XCN	O	Y	0010	01274	Other Healthcare Provider

Example

PV1|1|E|E|||||||7||||8399193^^MO Hospital&013319934&NPt|||||||033120031420<cr>

Set ID - PV1 (SI) 00131

Definition: This field contains the number that identifies this transaction. For the first occurrence of the segment, the sequence number shall be one, for the second occurrence, the sequence number shall be two, etc.

Patient class (IS) 00132

Definition: This field is used by systems to categorize patients by site. It does not have a consistent industry-wide definition. It is subject to site-specific variations. Refer to *user-defined table 0004 - Patient class* for suggested values.

User-defined Table 0004 - Patient class

<u>Value</u>	<u>Description</u>
E	Emergency
I	Inpatient
O	Outpatient
P	Preadmit
R	Recurring Patient
B	Obstetrics

Admission type (IS) 00134

Definition: This field indicates the circumstances under which the patient was or will be admitted. Refer to *user-defined Table 0007 - Admission type* for suggested values.

User-defined Table 0007 - Admission type

<u>Value</u>	<u>Description</u>
A	Accident
E	Emergency
L	Labor and Delivery
R	Routine

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Admit source (IS) 00144

Definition: This field indicates where the patient was admitted. Refer to *user-defined table 0023 - Admit source* for suggested values. This field is used on UB92 FL19. The UB codes listed, as examples are not an exhaustive or current list; refer to a UB specification for additional information.

Note: The official title of UB is "National Uniform Billing Data Element Specifications." Most of the codes added came from the UB-92 specification, but some came from the UB-82.

User-defined Table 0023 - Admit source

<u>Value</u>	<u>Description</u>
1	Physician Referral
2	Clinic Referral
3	HMO Referral
4	Transfer from a Hospital
5	Transfer from a Skilled Nursing Facility
6	Transfer from Another Health Care Facility
7	Emergency Room
8	Court/Law Enforcement
9	Information Not Available

Visit number (CX) 00149

Components: <ID (ST)> ^ <check digit (ST)> ^ <code identifying the check digit scheme employed (ID)> ^ <assigning authority (HD)> ^ <identifier type code (IS)> ^ <assigning facility (HD)>

Subcomponents of assigning authority: <namespace ID (IS)> & <universal ID (ST)> & <universal ID type (ID)>

Subcomponents of assigning facility: <namespace ID (IS)> & <universal ID (ST)> & <universal ID type (ID)>

Definition: **For backward compatibility**, an NM data type may be sent, but HL7 recommends that new implementations use the CX data type. This field contains the unique number assigned to each patient visit. The assigning authority and identifier type code are strongly recommended for all CX data types.

Admit date/time (TS) 00174

Definition: This field contains the admit date/time. It is to be used if the event date/time is different than the admit date and time, i.e., a retroactive update. This field is also used to reflect the date/time of an outpatient/emergency patient registration.

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PV2 Segment – Patient visit – additional information segment

In order to leverage data available in existing clinical information system, chief complaint data will be sent in a **PV2** segment **Admit Reason** element. This element is a CE data type but should be sent as free text. The location or institution and date/time would be inferred from the **MSH** segment.

The **PV2** segment definition in the implementation guide is identical to the HL7 V2.3 **PV2** segment definition except that the **Admit Reason** element is required and the discussion of this element has been expanded.

PV2 attributes

SEQ	LEN	DT	OPT	RP/#	TBL#	ITEM#	ELEMENT NAME
1	80	PL	C			00181	Prior Pending Location
2	60	CE	O		0129	00182	Accommodation Code
3	60	CE	R			00183	Admit Reason
4	60	CE	O			00184	Transfer Reason
5	25	ST	O	Y		00185	Patient Valuables
6	25	ST	O			00186	Patient Valuables Location
7	2	IS	O		0130	00187	Visit User Code
8	26	TS	O			00188	Expected Admit Date/Time
9	26	TS	O			00189	Expected Discharge Date/Time
10	3	NM	O			00711	Estimated Length of Inpatient Stay
11	3	NM	O			00712	Actual Length of Inpatient Stay
12	50	ST	O			00713	Visit Description
13	90	XCN	O	Y		00714	Referral Source Code
14	8	DT	O			00715	Previous Service Date
15	1	ID	O		0136	00716	Employment Illness Related Indicator
16	1	IS	O		0213	00717	Purge Status Code
17	8	DT	O			00718	Purge Status Date
18	2	IS	O		0214	00719	Special Program Code
19	1	ID	O		0136	00720	Retention Indicator
20	1	NM	O			00721	Expected Number of Insurance Plans
21	1	IS	O		0215	00722	Visit Publicity Code
22	1	ID	O		0136	00723	Visit Protection Indicator
23	90	XON	O	Y		00724	Clinic Organization Name
24	2	IS	O		0216	00725	Patient Status Code
25	1	IS	O		0217	00726	Visit Priority Code
26	8	DT	O			00727	Previous Treatment Date
27	2	IS	O		0112	00728	Expected Discharge Disposition
28	8	DT	O			00729	Signature on File Date
29	8	DT	O			00730	First Similar Illness Date
30	80	CE	O		0218	00731	Patient Charge Adjustment Code
31	2	IS	O		0219	00732	Recurring Service Code
32	1	ID	O		0136	00733	Billing Media Code
33	26	TS	O			00734	Expected Surgery Date & Time
34	1	ID	O		0136	00735	Military Partnership Code
35	1	ID	O		0136	00736	Military Non-Availability Code
36	1	ID	O		0136	00737	Newborn Baby Indicator
37	1	ID	O		0136	00738	Baby Detained Indicator

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Example PV2 Segment

PV2|||789.00^ABDMNAL PAIN UNSPCF SITE^I9C<cr>

PV2|||^STOMACH ACHE<cr>

Admit reason (CE) 00183

Components: <identifier (ST)> ^ <text (ST)> ^ <name of coding
system (ST)> ^ <alternate identifier (ST)> ^ <alternate
text (ST)> ^ <name of alternate coding system (ST)>

Definition: This field contains a short description of the reason for patient's visit. This reason may be coded as ICD-9-CM or ICD-10 codes but will often be sent as free text. If the reason is sent as a coded value, the text component must be sent in order to allow systems, which rely on text to operate without having access to tables of coding systems that include text descriptions.

Complete Message Example

MSH|^~\&||MO Hospital^013319934^NPI|MOHESS|MODHSS|200302171830||ADT^A04||P|2.3.1<cr>
PID|1||95101100001^MO Hospital&013319934&NPI||Doe^John^Q^Jr||19641004|M|W|2166 Wells
Dr^Apt B^Jefferson City^MO^65101^USA^^Cole||^206^6793240||M||423523049||N<cr>
PV1|1|E|E||||||7||||||8399193^^MO Hospital&013319934&NPI|||||||200302171420<cr>
PV2|||789.00^ABDMNAL PAIN UNSPCF SITE^I9C<cr>

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HESS Structure File Exhibit B

As an alternative for hospitals that are not able to support HL7 messages, the following format will be used for transmission of data. The structure closely follows the fields defined in the HL7 message format.

All fields will be left justified with unknown values padded with spaces. Each record should end with a carriage return (ASC13) or carriage return/line feed (ASC13 ASC10).

The required column in Table 1 indicates whether a field is Required (R), Optional (O) or Conditionally (C) required. See the description to determine the requirements for conditional fields.

Table 1 – Hospital Syndromic Surveillance ASCII file structure

Field Name	Relative Position	Field Length	Required	Format	Description
Record Type	1	1	R	A	4 = New Record 8 = Update of previously sent record
Sending Facility Identifier	2-11	10	R	A/N	This field shall contain the National Provider Identifier (NPI) for the hospital/facility sending data. If no NPI is available, use the Medicare provider number of state assigned number.
Sending Facility Name	12-41	30	R	A/N	Name of the originating hospital
Date/Time of Message	42-53	12	R	N	YYYYMMDDHHMM format for date and time record or message set is generated.
Processing ID	54	1	R	A	Unless directed by DHSS, all records should be Production records "P" P = Production D = Debugging/Testing.
Patient Medical Record Number	55-74	20	R	A/N	Medical Record Number of the patient.
Patient Last Name	75-104	30	R	A/N	Last name of patient. No space should be embedded within a last name as in MacBeth. Titles (for example, Sir, Msgr., Dr.) should not be recorded. Record hyphenated names with the hyphen, as in Smith-Jones.
Patient First Name	105-124	20	R	A/N	First name of patient.
Patient Middle Name	125-144	20	O	A/N	Middle name or initial of patient, if known.
Patient Name Suffix	145-150	6	O	A/N	Record suffixes such as JR, SR, III, if known
Date of Birth	151-158	8	R	N	YYYYMMDD date of birth. If only age is known, record YYYY as year of birth.
Sex	159	1	R	A	Patient sex at time of encounter M = Male F = Female U = Unknown

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Field Name	Relative Position	Field Length	Required	Format	Description
Race	160	1	R	A	W = White B = Black or African American A = Asian or Pacific Islander I = American Indian or Alaska Native M = Multiracial (two or more races) O = Other U = Unknown
Ethnicity	161	1	R	A	H = Hispanic or Latino N = Not Hispanic or Latino U = Unknown
Residence Address Line 1	162-191	30	R	A/N	Free form address line
Residence Address Line 2	192-221	30	C	A/N	Free form address line, if needed.
City	222-246	25	R	A/N	Patient city of residence.
State	247-248	2	R	A/N	Postal abbreviation for state of residence. Use 97 for homeless, 98 for non-US.
Zip Code	249-253	5	R	N	First five digits (homeless = 99997, non-US = 99998)
County Code	254-256	3	R	N	Use FIPS codes (homeless = 997, non-US = 998)
Country Code	257-260	4	R	N	Use FIPS codes (homeless = 9997)
Phone Number Area Code	261-263	3	O	N	Format 999 if known, blank if not known
Phone Number	264-271	8	O	A/N	Format 999-9999 including hyphen if known, blank if not known.
Extension	272-276	5	O	A/N	Telephone extension, if necessary or known.
Social Security Number	277-285	9	R	N	Contains the 9-digit SSN without hyphens or spaces
Patient Death Indicator	286	1	O	A	If available. Y = Yes N = No
Patient Death Date Time	287-298	12	C	N	YYYYMMDDHHMM representation of Date and Time (if known) of death if indicator is "Y".
Patient Class	299	1	R	A	Used to categorize patients by site. E = Emergency I = Inpatient O = Outpatient P = Preadmit R = Recurring patient B = Obstetrics
Admission Type	300	1	R	A	Indicates the circumstances under which the patient was or will be admitted A = Accident E = Emergency L = Labor and delivery R = Routine
Unique Encounter Identifier	301-320	20	R	A/N	Unique identifier within facility for each patient encounter or visit.

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Field Name	Relative Position	Field Length	Required	Format	Description
Admit Date/Time	321-342	12	R	N	YYYYMMDDHHMM This field contains the admit date and time. This field is also used to reflect the date/time of an emergency patient or outpatient registration
Admit Reason Text	343-462	120	R	A/N	Textual literal chief complaint. The text must be sent even if a code is available.
Admit Reason Code	463-472	10	O	A/N	Diagnostic code for the reason for visit or chief complaint, if available. Not all hospitals will have this code available at the time of the initial report to DHSS.
Admit Reason Coding Scheme	473-480	8	C	A/N	Standardized Coding scheme used for the Admit Reason Code, if used. I9C = ICD-9-CM I10 = ICD-10 SNOMED = SNOMED
Filler	481-500	20	R		Spaces

*AUTHORITY: sections 192.020, 192.067 and 192.667, RSMo 2000.
Emergency rule filed June 25, 2003, effective July 6, 2003, expires
Jan. 2, 2004. A proposed rule covering this same material is published
in this issue of the **Missouri Register**.*

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 1—OFFICE OF ADMINISTRATION Division 15—Administrative Hearing Commission Chapter 3—Procedure For All Contested Cases Under Statutory Jurisdiction

PROPOSED AMENDMENT

1 CSR 15-3.320 Stays or Suspensions of Any Action from which Petitioner Is Appealing. The commission is amending the purpose and subsection (3)(D).

PURPOSE: The Administrative Hearing Commission is amending the purpose and subsection (3)(D) of this regulation to assist persons aggrieved by the imposition of a civil penalty under section 621.035, RSMo Supp. 2002.

PURPOSE: This rule describes the form and content of a motion for stay or suspension of [the director's] an agency's actions, and the

number of copies required [and who is served with a stay order].

(3) Specific Cases.

(D) Liquor Control Cases. The commission, with or without the filing of a motion, may stay any *[suspension or revocation]* order of the supervisor of the Division of Liquor Control if the licensee files a complaint.

AUTHORITY: section 621.198, RSMo Supp. [2001] 2002. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended: Filed Jan. 11, 2001, effective July 30, 2001. Amended: Filed June 3, 2002, effective Nov. 30, 2002. Amended: Filed June 16, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 8:30 a.m. on August 14, 2003, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed amendment with the Administrative Hearing Commission, Karen A. Winn, Commissioner, P.O. Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than 5:00 p.m. on August 14, 2003.

Title 1—OFFICE OF ADMINISTRATION Division 15—Administrative Hearing Commission Chapter 3—Procedure For All Contested Cases Under Statutory Jurisdiction

PROPOSED AMENDMENT

1 CSR 15-3.350 Complaints. The commission is amending subsection (2)(D).

PURPOSE: The Administrative Hearing Commission is amending subsection (2)(D) of this regulation to maintain the filing fee authorized under section 621.053, RSMo Supp. 2002.

(2) Specific Cases. In addition to the other requirements of this rule—

(D) In a case arising pursuant to Chapter 407, RSMo, including cases relating to the protest of an action taken by a motor vehicle, motorcycle or all-terrain vehicle manufacturer, distributor or representative pursuant to a franchise agreement, the petition shall include a filing fee equal to the filing fee of the circuit court of Cole County. The provisions of this subsection (2)(D) of this regulation shall expire on November 30, **[2003] 2004.**

AUTHORITY: sections 621.053 and 621.198, RSMo Supp. [2001] 2002. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended: Filed Oct. 31, 1994, effective May 28, 1995. Amended: Filed Jan. 11, 2001, effective July 30, 2001. Amended: Filed June 3, 2002, effective Nov. 30, 2002. Amended: Filed June 16, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 8:30 a.m. on August 14, 2003, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed amendment with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than 5:00 p.m. on August 14, 2003.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.352 Resident Firearms First Bonus Deer Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment reduces the fee from eleven dollars (\$11) to seven dollars (\$7).

To pursue, take, possess and transport an antlerless deer in a specified deer management unit during the firearms deer hunting seasons.
Fee: [*eleven*] **seven** dollars [*(\$11)*] **(\$7)**.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 11, 1997, effective March 1, 1998. Amended: Filed July 8, 1998, effective March 1, 1999. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed June 5, 2003.

PUBLIC COST: Based strictly on actual 2002 sales of this permit, the cost to the Missouri Department of Conservation would be six hundred nineteen thousand one hundred eighty dollars (\$619,180) (calculated by multiplying one hundred fifty-four thousand seven hundred ninety-nine (154,799) of these permits sold in 2002 by the four dollar (\$4) price decrease).

However, because bonus permits will be available in additional units for 2003 and because the lower price is expected to attract additional sales, the total estimated sales for 2003 bonus permits is expected to be higher by fifteen thousand four hundred sixty-seven (15,467) resulting in the following estimated revenue loss:

2002 sales	154,799 sold @ \$11 =	\$1,702,789
2003 sales	170,262 sold @ \$7 =	<u>\$1,191,834</u>
Estimated revenue loss		\$ 510,955

PRIVATE COST: There is no additional private entity cost. This proposed amendment represents a savings to individual nonresident deer hunters.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC ENTITY COST

I. RULE NUMBER

Title: 3 - Department of Conservation	
Division: 10 Conservation Commission	
Chapter: 5	
Type of Rulemaking: Proposed amendment	
Rule Number and Name: 3 CSR 10-5.352 Resident Firearms First Bonus Deer Hunting Permit	

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
MO Department of Conservation	\$ 510,955

III. WORKSHEET

Based strictly on actual 2002 sales of this permit, the cost to the Missouri Department of Conservation would be \$619,180 (calculated by multiplying 154,799 of these permits sold in 2002 by the \$4 price decrease).

However, because bonus permits will be available in additional units for 2003 and because the lower price is expected to attract additional sales, the total estimated sales for 2003 bonus permits is expected to be higher by 15,467 resulting in the following estimated revenue loss:

2002 sales	154,799 sold @ \$11=	\$1,702,789
2003 sales	170,262 sold @ \$7 =	<u>\$1,191,834</u>
Estimated revenue loss		\$ 510,955

IV. ASSUMPTIONS

See worksheet above

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5

Type of Rulemaking: Proposed amendment

Rule Number and Name: 3 CSR 10-5.352 Resident Firearms First Bonus Deer Hunting Permit

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
170,262 resident deer hunting permit buyers	N/A	Less than \$500
1300 MO hunting and fishing permit vendors	N/A	\$25,547

III. WORKSHEET

This rule change will result in a savings to Missouri deer hunters of \$510,955. Because Missouri permit vendors retain a fee of 5% of the face value of permits sold, their income from issuing fees in the aggregate will be reduced by \$25,547. The estimated reduction in income for permit vendors is calculated by multiplying the amount saved by deer hunters by the 5% vendor fee.

IV. ASSUMPTIONS

Number of permit buyers is based on estimated sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.552 Nonresident Firearms First Bonus Deer Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment reduces the fee from seventy-five dollars (\$75) to seven dollars (\$7).

To pursue, take, possess and transport an antlerless deer in a specified deer management unit during the firearms deer hunting seasons. A Nonresident Firearms *[Any-]*Deer Hunting Permit is required as a prerequisite to this permit. Fee: *[seventy-five]* seven dollars *[(\$75)]* (\$7).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 8, 1998, effective March 1, 1999. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed June 5, 2003.

PUBLIC COST: Based strictly on actual 2002 sales of this permit, the cost to the Missouri Department of Conservation would be ninety-four thousand four hundred fifty-two dollars (\$94,452) (calculated by multiplying one thousand three hundred eighty-nine (1,389) of these permits sold in 2002 by the sixty-eight dollar (\$68) price decrease).

However, because bonus permits will be available in additional units for 2003 and because the lower price is expected to attract additional sales, the total estimated sales for 2003 bonus permits is expected to be higher by seven thousand six hundred twenty-six (7,626) resulting in the following estimated revenue loss:

2002 sales	1,389 sold @ \$75 =	\$104,175
2003 sales	9,015 sold @ \$7 =	<u>\$ 63,105</u>
Estimated revenue loss		\$ 41,070

PRIVATE COST: There is no additional private entity cost. This proposed amendment represents a savings to individual nonresident deer hunters.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title:	3 - Department of Conservation
Division:	10 Conservation Commission
Chapter:	5
Type of Rulemaking:	Proposed amendment
Rule Number and Name:	3CSR 10-5.552 Nonresident Firearms First Bonus Deer Hunting Permit.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
MO Department of Conservation	\$ 41,070

III. WORKSHEET

Based strictly on actual 2002 sales of this permit, the cost to the Missouri Department of Conservation would be \$94,452 (calculated by multiplying 1,389 of these permits sold in 2002 by the \$68 price decrease).

However, because bonus permits will be available in additional units for 2003 and because the lower price is expected to attract additional sales, the total estimated sales for 2003 bonus permits is expected to be higher by 7,626 resulting in the following estimated revenue loss:

2002 sales	1,389 sold @ \$75 =	\$104,175
2003 sales	9,015 sold @ \$7 =	<u>\$ 63,105</u>
Estimated revenue loss		\$ 41,070

IV. ASSUMPTIONS

See worksheet above.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**FISCAL NOTE
PRIVATE ENTITY COST****I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5

Type of Rulemaking: Proposed amendment

Rule Number and Name: 3CSR 10-5.552 Nonresident Firearms First Bonus Deer Hunting Permit

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
9,015 nonresident deer hunting permit buyers	N/A	Less than \$500
1300 MO hunting and fishing permit vendors	N/A	\$2,053

III. WORKSHEET

This rule change will result in a savings to nonresident deer hunters of \$41,070. Because Missouri permit vendors retain a fee of 5% of the face value of permits sold, their income from issuing fees in the aggregate will be reduced by \$2,053. The estimated reduction in income for permit vendors is calculated by multiplying the amount saved by deer hunters by the 5% vendor fee.

IV. ASSUMPTIONS

Number of permit buyers is based on estimated sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.553 Nonresident Firearms Second Bonus Deer Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment reduces the fee from fifty dollars (\$50) to seven dollars (\$7).

To pursue, take, possess and transport an antlerless deer in a specified deer management unit during the firearms deer hunting seasons. A Nonresident Firearms *[First Bonus]* **Deer Hunting Permit** is required as a prerequisite to this permit. Fee: *[fifty]* **seven** dollars *[(\$50)]* **(\$7)**.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 8, 1998, effective March 1, 1999. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed June 5, 2003.

PUBLIC COST: Based strictly on actual 2002 sales of this permit, the cost to the Missouri Department of Conservation would be fifteen thousand four hundred thirty-seven dollars (\$15,437) (calculated by multiplying three hundred fifty-nine (359) of these permits sold in 2002 by the forty-three dollar (\$43) price decrease).

However, because bonus permits will be available in additional units for 2003 and because the lower price is expected to attract additional sales, the total estimated sales for 2003 bonus permits is expected to be higher by four thousand seven hundred ninety-two (4,792) resulting in the following estimated revenue gain:

2002 sales	359 sold @ \$50 =	\$ 17,950
2003 sales	5,151 sold @ \$7 =	<u>\$ 36,057</u>
Estimated revenue gain		\$ 18,107

PRIVATE COST: This proposed amendment will cost five thousand one hundred fifty-one (5,151) permit buyers thirty-six thousand fifty-seven dollars (\$36,057) annually, or one hundred eighty thousand two hundred eighty-five dollars (\$180,285) in the five (5)-year aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST****I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5

Type of Rulemaking: Proposed amendment

Rule Number and Name: 3 CSR 10-5.553 Nonresident Firearms Second Bonus Deer Hunting Permit

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:

5,151 nonresident deer hunting permit buyers

Classification by types of the business entities which would likely be affected:

N/A

Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:

\$180,285

III. WORKSHEET

N/A

IV. ASSUMPTIONS

Number of permit buyers is based on estimated sales data.

5,151 permit buyers x \$7 = \$36,057 per annum, x 5 = \$180,285.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED RESCISSION

3 CSR 10-5.577 Nonresident Landowner Firearms First Bonus Deer Hunting Permit. The commission proposes to rescind a rule.

PURPOSE: This rule provided for Nonresident Landowner Firearms First Bonus Antlerless Deer Hunting Permit for use on the landowner's qualifying property at a reduced fee compared to a Nonresident Firearms First Bonus Antlerless Deer Hunting Permit.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000, effective March 1, 2001. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Rescinded: Filed June 5, 2003.

PUBLIC COST: Based strictly on actual 2002 sales of this permit, the cost to the Missouri Department of Conservation would be seven thousand seven hundred eighty-eight dollars (\$7,788) (calculated by multiplying two hundred thirty-six (236) of these permits sold in 2002 by the thirty-three dollar (\$33) price decrease).

However, because bonus permits will be available in additional units for 2003 and because the lower price is expected to attract additional sales, the total estimated sales for 2003 bonus permits is expected to be higher by one hundred sixty-two (162) resulting in the following estimated revenue loss:

2002 sales	236 sold @ \$40 =	\$ 9,440
2003 sales	398 sold @ \$7 =	\$ 2,786
Estimated revenue loss		\$ 6,654

PRIVATE COST: There is no additional private entity cost. This proposed amendment represents a savings to individual nonresident deer hunters.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

FISCAL NOTE PUBLIC ENTITY COST

I. RULE NUMBER

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5

Type of Rulemaking: Proposed recission

Rule Number and Name: 3 CSR 10-5.577 Nonresident Landowner Firearms First Bonus Deer Hunting Permit.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
MO Department of Conservation	Less than \$500

III. WORKSHEET

Based strictly on actual 2002 sales of this permit, the cost to the Missouri Department of Conservation would be \$7,788 (calculated by multiplying 236 of these permits sold in 2002 by the \$33 price decrease).

However, because bonus permits will be available in additional units for 2003 and because the lower price is expected to attract additional sales, the total estimated sales for 2003 bonus permits is expected to be higher by 162 resulting in the following estimated revenue loss:

2002 sales	236 sold @ \$40 =	\$ 9,440
2003 sales	398 sold @ \$7 =	<u>\$ 2,786</u>
Estimated revenue loss		\$ 6,654

IV. ASSUMPTIONS

See worksheet above

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED RESCISSION

3 CSR 10-5.578 Nonresident Landowner Firearms Second Bonus Deer Hunting Permit. The commission proposes to rescind a rule.

PURPOSE: This rule provided for a Nonresident Landowner Firearms Second Bonus Antlerless Deer Hunting Permit for use on the landowner's qualifying property at a reduced fee compared to a Nonresident Firearms Second Bonus Deer Hunting Permit.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000, effective March 1, 2001. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Rescinded: Filed June 5, 2003.

PUBLIC COST: Based strictly on actual 2002 sales of this permit, the cost to the Missouri Department of Conservation would be two thousand one hundred forty-two dollars (\$2,142) (calculated by multiplying one hundred nineteen (119) of these permits sold in 2002 by the eighteen dollar (\$18) price decrease).

However, because bonus permits will be available in additional units for 2003 and because the lower price is expected to attract additional sales, the total estimated sales for 2003 bonus permits is expected to be higher by one hundred eight (108) resulting in the following estimated revenue loss:

2002 sales	119 sold @ \$25 =	\$ 2,975
2003 sales	227 sold @ \$7 =	<u>\$ 1,589</u>
Estimated revenue loss		\$ 1,386

PRIVATE COST: There is no additional private entity cost. This proposed amendment represents a savings to individual nonresident deer hunters.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

FISCAL NOTE PUBLIC ENTITY COST

I. RULE NUMBER

Title: 3 - Department of Conservation	
Division: 10 Conservation Commission	
Chapter: 5	
Type of Rulemaking: Proposed recission	
Rule Number and Name: 3 CSR 10-5.578 Nonresident Landowner Firearms Second Bonus Deer Hunting Permit	

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
MO Department of Conservation	\$ 1,386

III. WORKSHEET

Based strictly on actual 2002 sales of this permit, the cost to the Missouri Department of Conservation would be \$2,142 (calculated by multiplying 119 of these permits sold in 2002 by the \$18 price decrease).

However, because bonus permits will be available in additional units for 2003 and because the lower price is expected to attract additional sales, the total estimated sales for 2003 bonus permits is expected to be higher by 108 resulting in the following estimated revenue loss:

2002 sales	119 sold @ \$25 =	\$ 2,975
2003 sales	227 sold @ \$7 =	<u>\$ 1,589</u>
Estimated revenue loss		\$ 1,386

IV. ASSUMPTIONS

See worksheet above

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas

PROPOSED AMENDMENT

3 CSR 10-11.182 Deer Hunting. The commission proposes to amend sections (1) and (3) of this rule.

PURPOSE: This amendment aligns sections (1) and (3) with other chapters of the Wildlife Code.

(1) Deer may be hunted only during the statewide archery season and the [December] muzzleloader portion of the firearms season on department areas listed below. Statewide methods and limits apply.

(3) During the Youth-Only, November and [December] muzzleloader portions of the firearms deer hunting season, only antlered deer may be taken or possessed on the department areas listed below. Antlerless deer may not be taken on a firearms deer hunting permit.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed Aug. 30, 2001, effective Jan. 30, 2002. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed June 5, 2002, effective Nov. 30, 2002. Amended: Filed July 31, 2002, effective March 1, 2003. Amended: Filed May 9, 2003. Amended: Filed June 13, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 20—Wildlife Code: Definitions

PROPOSED AMENDMENT

3 CSR 10-20.805 Definitions. The commission proposes to amend section (21).

PURPOSE: This amendment changes the definitions of flies, lures and baits.

(21) Flies, lures and baits: The following are authorized for use except where restricted in 3 CSR 10-6.415, 3 CSR 10-6.535, 3 CSR 10-11.205, [and] 3 CSR 10-12.135 and 3 CSR 10-12.150:

[(A) Fly—A lure constructed on a single-point hook, of feathers, tinsel, chenille, yarn, fur, hair, silk, rayon or nylon thread or floss, with or without spinner.

(B) Artificial lure—A manufactured lure other than a fly or soft plastic bait (unscented).

(C) Soft plastic bait (unscented)—Synthetic eggs, synthetic worms, synthetic grubs and soft plastic lures.

(D) Natural and scented baits—A natural fish food such as bait fish, crayfish, frogs permitted as bait, grubs, insects, larvae, worms, salmon eggs, cheese, corn and other food substances not containing any ingredient to stupefy, injure or kill fish. Does not include flies or artificial lures. Includes dough bait, putty or paste-type bait, any substance designed to attract fish by taste or smell and any fly, lure or bait containing or used with such substances.]

(A) Natural and scented bait—Any substance designed to attract fish by taste or smell. This includes: natural fish food such as a fish, crayfish, frog, grub, insect, larva, worm, fish egg, or other animal or plant item permitted as bait; cheese, corn and other food substances; dough bait, putty or paste-type bait; and any fly, lure or bait (including plastic) containing or used with such substances. Natural and scented baits shall not contain any ingredients that stupefy, injure or kill fish.

(B) Soft plastic bait (unscented)—A synthetic egg, worm, grub or other soft plastic lure without an attached spinner.

(C) Fly—A lure constructed of any material (excluding soft plastic bait and natural and scented bait as defined in (A) or (B) above) that is tied, glued or otherwise permanently attached to a single-point hook, with or without spinner.

(D) Artificial lure—A lure not meeting the definitions in (A), (B) or (C) above.

AUTHORITY: sections 40 and 45 of Art. IV, Mo Const. This rule previously filed as 3 CSR 10-11.805. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed Aug. 30, 2002, effective Feb. 28, 2003. Amended: Filed June 5, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 100—Division of Credit Unions
Chapter 2—State-Chartered Credit Unions

PROPOSED AMENDMENT

4 CSR 100-2.080 Fiscal and Financial Services. The director of the Division of Credit Unions proposes amendments to section (4) of this rule that governs fiscal and financial services.

PURPOSE: This amendment is designed to provide a specific list of fiscal and financial services credit unions may offer without prior approval of the director.

(4) [Where a credit union, prior to August 13, 1972, has provided the member services of money orders and travelers checks, authority is given for the credit unions to continue these fiscal and financial services to their members, unless

the director orders a specific credit union to cease these services.] The director of the Division of Credit Unions authorizes all credit unions to offer the following business related services without prior approval unless the director orders a specific credit union to cease offering these services:

- (A) Money orders, travelers' checks, letters of credit;
- (B) Share draft accounts;
- (C) Debit, credit, ATM and smart cards;
- (D) Sale of insurance products;
- (E) Any program servicing or granting loans;
- (F) Any share program; or
- (G) Sale of tickets, charitable or promotional items.

The credit union offering these services shall make available to the director, upon his/her request, the direct and indirect cost of providing the services together with a schedule of the fees charged for the services.

AUTHORITY: sections 370.070 and 370.100, RSMo [1986] 2000. Original rule filed Sept. 14, 1972, effective Sept. 24, 1972. Amended: Filed Dec. 15, 1975, effective Dec. 25, 1975. Emergency amendment filed Feb. 14, 1984, effective Feb. 24, 1984, expired June 23, 1984. Amended: Filed March 12, 1994, effective June 11, 1984. Amended: Filed May 4, 1987, effective July 23, 1987. Amended: Filed June 16, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Credit Unions, John P. Smith, Director, PO Box 1607, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 115—State Committee of Dietitians Chapter 1—General Rules

PROPOSED AMENDMENT

4 CSR 115-1.040 Fees. The board is proposing to amend subsections (1)(A)–(1)(C).

PURPOSE: The State Committee of Dietitians is statutorily obligated to enforce and administer the provisions of sections 324.200–324.228, RSMo. Pursuant to section 324.212, RSMo, the committee shall set by rule the appropriate amount of fees so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the committee for administering the provisions of Chapter 324, RSMo. Therefore, the committee is reducing the fees associated with licensure.

(1) The following fees are hereby established by the State Committee of Dietitians:

- | | |
|--------------------------|----------------------------|
| (A) Application Fee | [\$200.00] \$150.00 |
| (B) Reciprocity Fee | [\$200.00] \$150.00 |
| (C) Biennial Renewal Fee | [\$190.00] \$150.00 |

AUTHORITY: sections 324.212.4, RSMo Supp. 2002 and 324.228, RSMo [Supp. 1999] 2000. Original rule filed March 15, 2000, effective Sept. 30, 2000. Amended: Filed June 16, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will save private entities an estimated one thousand five hundred fifty dollars (\$1,550) annually and an estimated forty thousand nine hundred twenty dollars (\$40,920) biennially with a continuous increase in savings of three thousand dollars (\$3,000) for the life of the rule. It is anticipated that the total savings will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee of Dietitians, Vanessa Beauchamp, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile to (573) 526-3489 or via e-mail to proferg@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 10 - State Committee of Dietitians

Chapter 1 - General Rules

Proposed Amendment - 4 CSR 115-1.040 Fees

Prepared May 23, 2003 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Annual

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated annual cost savings by affected entities:
30	Applicants (Application Fee - \$50 decrease)	\$1,500.00
1	Applicants (Reciprocity Fee - \$50 decrease)	\$50.00
	Estimated Annual Cost Savings for the Life of the Rule	\$1,550.00

Biennial

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated biennial cost savings by affected entities:
1,023	Licensees (Biennial Renewal Fee - \$40 decrease)	\$40,920.00
	Estimated Biennial Cost Savings for the Life of the Rule	\$51,150 with a continuous decrease of \$3,000

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above figures were based on actual FY02 licensee counts.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 150—State Board of Registration for the
Healing Arts**

**Chapter 3—Licensing of Physical Therapists and Physical
Therapist Assistants**

PROPOSED AMENDMENT

4 CSR 150-3.080 Fees. The board is proposing to amend subsection (1)(D).

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of Chapter 334, RSMo. The board shall by rule and regulation set the amount of fees authorized by section 334.090, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.500–334.680, RSMo. This proposed amendment is necessary because the board's fund balance and projected revenue will not support the expenditures necessary to enforce and administer the provisions of sections 334.500–334.680, RSMo, which will result in an endangerment to the health, welfare, and safety of the public.

(1) The following fees are established by the State Board of Registration for the Healing Arts, and are payable in the form of a cashier's check or money order:

(D) Renewal of Certificate of Registration Fee
(personal checks acceptable) **[\$20] \$50**

AUTHORITY: sections 334.090.1, 334.090.2, 334.125, 334.507, 334.540, 334.550, 334.560 and 334.580, RSMo 2000. Original rule filed Aug. 10, 1983, effective Nov. 11, 1983. For intervening history, please consult the Code of State Regulations. Amended: Filed June 16, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private an increase of one hundred thirty-one thousand two hundred fifty dollars (\$131,250) with a continuous biennial increase of three thousand nine hundred thirty dollars (\$3,930) biennially for the life of the rule. It is anticipated that the biennial increase will recur for the life of the rule, however, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Healing Arts, Attn: Tina Steinman, Executive Director, 3605 Missouri Boulevard, PO Box 4, Jefferson City, MO 65102 or healarts@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 150 - State Board of Registration for the Healing Arts

Chapter 3 - Licensing of Physical Therapists and Physical Therapist Assistants

Proposed Amendment - 4 CSR 150-3.080 Fees

Prepared May 8, 2003 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Biennial Increase Comply Beginning in FY04

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated biennial cost of compliance with the amendment by affected entities:
4,375	Licenseses (Renewal of Certificate of Registration Fee - \$30 increase)	\$131,250.00
	Estimated BiennialCost of Compliance for the Life of the Rule	\$131,250 with a continuous biennial increase of \$3,930

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. Based on the current licensee count, the board estimates that 4,375 licensees will affected by the \$30 biennial renewal fee increase beginning in FY04. The board estimates a biennial growth rate of 3% in the number of licenses for the life of the rule. Therefore, the board estimates a continuous biennial increase of \$3,930 for the life of the rule.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT****Division 150—State Board of Registration for the
Healing Arts****Chapter 3—Licensing of Physical Therapists and Physical
Therapist Assistants****PROPOSED AMENDMENT**

4 CSR 150-3.170 Physical Therapist Assistant Licensure Fees.
The board is proposing to amend subsection (1)(D) and add new language in subsection (1)(G).

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of Chapter 334, RSMo. The board shall by rule and regulation set the amount of fees authorized by section 334.090, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.500–334.680, RSMo. This proposed amendment is necessary because the board's fund balance and projected revenue will not support the expenditures necessary to enforce and administer the provisions of sections 334.500–334.680, RSMo, which will result in an endangerment to the health, welfare, and safety of the public. This amendment also implements a fee to be paid by the licensee for a returned check.

(1) The following fees are established by the State Board of Registration for the Healing Arts:

- | | |
|--|--------------------|
| (D) Renewal of Certificate of Registration Fee | |
| (personal/corporate checks acceptable) | [\$20] \$50 |
| (G) Returned Check Fee | \$25 |

AUTHORITY: sections 334.125, 334.655, 334.660 and 334.670, RSMo [Supp. 1999] 2000. Original rule filed Sept. 4, 1997, effective March 30, 1998. Amended: Filed April 14, 2000, effective Oct. 30, 2000. Amended: Filed Sept. 15, 2000, effective March 30, 2001. Amended: Filed June 16, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities an increase of forty-seven thousand four hundred thirty dollars (\$47,430) with a continuous biennial increase of one thousand four hundred ten dollars (\$1,410) biennially for the life of the rule. It is anticipated that the biennial increase will recur for the life of the rule, however, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Healing Arts, Attn: Tina Steinman, Executive Director, 3605 Missouri Boulevard, PO Box 4, Jefferson City, MO 65102 or healarts@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 150 - State Board of Registration for the Healing Arts

Chapter 3 - Licensing of Physical Therapists and Physical Therapist Assistants

Proposed Amendment - 4 CSR 150-3.170 Physical Therapist Assistant Licensure Fees

Prepared May 8, 2003 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Biennial Cost to Comply Beginning in FY04

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated biennial cost of compliance with the amendment by affected entities:
1,581	Licenseses (Renewal of Certificate of Registration Fee - \$30 increase)	\$47,430.00
	Estimated BiennialCost of Compliance for the Life of the Rule	\$47,430 with a continuous biennial increase of \$1,410

Annual Cost to Comply Beginning in FY04

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated biennial cost of compliance with the amendment by affected entities:
3	Licenseses and Applicants (Return Check Fee - \$25)	\$75.00
	Estimated Annual Cost of Compliance for the Life of the Rule	\$75.00

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. Based on the current licensee count, the board estimates that 1,581 licenseses will affected by the \$30 biennial renewal fee increase beginning in FY04. The board estimates a biennial growth rate of 3% in the number of licenses for the life of the rule. Therefore, the board estimates a continuous biennial increase of \$1,410 for the life of the rule.
2. Based on actual figures from FY01, FY02, and FY03 the anticipated receiving 3 uncollectible checks annually for the life of the rule.
- 3 It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 200—State Board of Nursing
Chapter 4—General Rules**

PROPOSED AMENDMENT

4 CSR 200-4.021 Graduate Temporary Permit. The board is proposing to delete the form that immediately follows this rule in the *Code of State Regulations*.

PURPOSE: This amendment deletes the form that immediately follows this rule in the *Code of State Regulations*.

AUTHORITY: section 335.036, *RSMo [1986] 2000*. Original rule filed Sept. 13, 1983, effective Dec. 11, 1983. Amended: Filed Dec. 13, 1989, effective Feb. 25, 1990. Amended: Filed June 16, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via e-mail at nursing@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 200—State Board of Nursing
Chapter 4—General Rules**

PROPOSED AMENDMENT

4 CSR 200-4.100 Advanced Practice Nurse. The board is proposing to delete the form that immediately follows this rule in the *Code of State Regulations*.

PURPOSE: This amendment deletes the form that immediately follows this rule in the *Code of State Regulations*.

AUTHORITY: section 335.016(2), *RSMo Supp. 2002* and 335.036, *RSMo [Supp. 1996] 2000*. Original rule filed Nov. 15, 1991, effective March 9, 1992. Rescinded and readopted: Filed Oct. 25, 1995, effective June 30, 1996. Emergency amendment filed May 1, 1997, effective May 12, 1997, expired Nov. 7, 1997. Amended: Filed May 1, 1997, effective Oct. 30, 1997. Amended: Filed June 16, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656,

Jefferson City, MO 65102, by fax at (573) 751-0075 or via e-mail at nursing@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 231—Division of Professional Registration
Chapter 2—Designation of License Renewal Dates and
Related Information**

PROPOSED AMENDMENT

4 CSR 231-2.010 Designation of License Renewal Dates and Related Renewal Information. The board is proposing to amend several subsections in section (2), add a new subsection (3)(B), renumber the remaining subsections accordingly, delete section (4) and renumber the remaining sections accordingly.

PURPOSE: This rule is being amended to change renewal dates for various boards and allows the board to accept electronic payment when the division has its on-line renewal system in place.

(2) The license renewal dates designated for each agency assigned to the division are—

(B) Acupuncturist Advisory Committee—[March 1] **July 1;**

(C) Missouri Board for Architects, Professional Engineers, [and] **Professional Land Surveyors and Landscape Architects—**

1. Architects, engineers, land surveyors—January 1; [and]

2. **Landscape architects—January 1; and**

[2.] **3. Firms/corporations—[March 1] January 1;**

(F) State Board of Barber Examiners—

1. Barber instructors, barber shops, barbers—March 1; and

2. Barber schools—[July 1] **March 1;**

(J) State Committee of Dietitians—April [1] **2;**

(L) Endowed Care Cemeteries—September 1;

[[L]] **(M) Board of Geologist Registration—May 1;**

[[M]] **(N) The State Board of Registration for the Healing Arts—February 1;**

[[N]] **(O) Missouri Board of Examiners for Hearing Instrument Specialists—January 1;**

[[O]] **(P) Interior Design Council—[June 1] September 1;**

(Q) Missouri State Committee of Interpreters—February 1;

[[P]] **Landscape Architectural Council—November 1;**

[[Q]] **(R) State Committee [on] of Marital and Family Therapists—March 1;**

[[R]] **(S) Board of Therapeutic Massage—**

1. Massage Therapy License—[January 1] **February 1; and**

2. Massage Therapy Business License—[January 1] **February**

1;

[[S]] **(T) The Missouri State Board of Nursing—**

1. Registered nurses—May 1; and

2. Licensed practical nurses—June 1;

[[T]] **(U) Missouri Board of Occupational Therapy—July 1;**

[[U]] **(V) The State Board of Optometry—November 1;**

[[V]] **(W) Advisory Committee for Clinical Perfusionists—February 1;**

[[W]] **(X) The Missouri Board of Pharmacy—**

1. Pharmacists, pharmacies—November 1;

2. Pharmacy interns—January 1;

3. Drug distributors—November 1; and

4. Pharmacy technicians—June 1;

[[X]] **(Y) Advisory Commission for Professional Physical Therapists—February 1;**

[(Y)] (Z) Advisory Commission for Registered Physician Assistants—February 1;

[(Z)] (AA) State Board of Podiatric Medicine—March 1;

[(AA)] (BB) Committee for Professional Counselors—[March 1] July 1;

[(BB)] (CC) State Committee of Psychologists—February 1;

[(CC)] (DD) Missouri Real Estate Appraisers Commission—July 1;

[(DD)] (EE) Missouri Real Estate Commission—

1. Association, brokers, broker-associates, broker-officers, broker-partners, corporations, partnerships, inactive brokers, professional corporation-broker salespersons, broker-salespersons—July 1; and

2. Inactive salespersons, professional corporation-salespersons, salespersons—October 1;

[(EE)] (FF) Missouri Board for Respiratory Care—August 1;

[(FF)] (GG) State Committee for Social Workers—October 1;

[(GG)] (HH) Advisory Committee for Speech Pathologists and Clinical Audiologists—February 1; [and]

(II) Office of Tattooing, Body Piercing and Branding—July 1; and

[(HH)] (JJ) Missouri Veterinary Medical Board—

1. Veterinarians, veterinary technicians—December 1; and

2. Veterinary facilities—April 1.

(3) For the purpose of paying license renewal fees, the following shall apply:

(B) Effective as of the date the division has its on-line renewal system in place and fully operating, the division will accept payment by credit card, as defined by section 407.432(4), RSMo, for the purpose of renewing licenses via the Internet. Payment of license renewal fees by credit card shall be restricted to renewal submitted via the Internet only;

[(B)] (C) Licensees who submit checks which are returned by a bank due to insufficient funds or for similar reasons may be subject to collection or processing charges. Licensees also may be subject to civil monetary penalties or disciplinary actions imposed by the affected board;

[(C)] (D) Licensees should not make payment for license renewal in cash whether in person or by mail;

[(D)] (E) Renewal fees are generally nonrefundable. Overpayments may be refundable; and

[(E)] (F) Where the application for renewal is not completed in a manner acceptable to the appropriate board, or the fee is not included, or the fee is inadequate, or the licensee has not met the statutory or regulatory requirements of the pertinent board, licenses may be withheld until the problem is appropriately resolved. Deposit of the fee does not indicate acceptance of the application or that any licensing requirements have been fulfilled. Licensees may be subject to additional requirements or civil monetary penalties imposed by the appropriate board.

[(4) Effective May 3, 1989, the application return date is sixty (60) days prior to license renewal date.]

[(5)] (4) Failure to receive the application renewal forms or notice does not relieve the licensee of the obligation to renew the license to practice in a timely manner.

[(6)] (5) The provisions of this rule are declared severable. If any provision fixed by this rule is held invalid by a court of competent jurisdiction, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction.

AUTHORITY: section 620.010.14(2), RSMo [2000] Supp. 2002. Emergency rule filed Feb. 9, 1982, effective Feb. 19, 1982, expired May 12, 1982. Original rule filed Feb. 9, 1982, effective May 13, 1982. For intervening history, please consult the Code of State Regulations. Amended: Filed June 16, 2003.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Professional Registration; Marilyn Williams, Division Director, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 10—Office of the Director

Chapter 33—Hospital and Ambulatory Surgical Center Data Disclosure

PROPOSED RULE

19 CSR 10-33.040 Electronic Reporting of Patient Abstract Data by Hospitals for Public Health Syndromic Surveillance

PURPOSE: This rule establishes procedures for secure electronic reporting of patient abstract data for inpatients and outpatients by hospitals to the Department of Health and Senior Services for the purpose of conducting epidemiologic monitoring and studies and publishing information to safeguard the health of the citizens of Missouri as authorized by sections 192.020, 192.067 and 192.667, RSMo.

(1) The following definitions shall be used in the interpretation of this rule in addition to the definitions found in 19 CSR 10-33.010:

(A) Batch message file means the transmission of a file containing multiple discrete standard electronic messages to the department from the hospital data system on a periodic basis less than real time.

(B) Chief complaint means the textual literal or ICD-9-CM code or both pertaining to the initial complaint a patient stated during an acute care hospital encounter.

(C) Data encryption means the electronic obfuscation of data within an electronic message using industry standard practices for encryption including, but not limited to: Public Key Infrastructure (PKI), digital certificates/signatures, department generated symmetric keys, or by secure message transport protocols. Minimum requirements will be tripleDES 128-bit encryption.

(D) Default standard message means a standard electronic message meeting HL7 2.3.1 Admission, Discharge, and Transfer (ADT) specifications as identified in Exhibit A, included herein.

(E) Acute care hospital encounter means patients seen in the emergency room, urgent care and inpatient admissions of a hospital.

(F) Real time message means the transmission of discrete standard electronic messages to the department as they are generated by the hospital data system.

(G) Secure message transport protocol means a method of sending electronic data to the department in a way that prevents unauthorized

access to the data. Possible methods include: Virtual Private Network (VPN), Secure File Transport Protocol (SFTP), secure socket layer (HTTPS/SSL), Secure SHell (SSH), encrypted files using TCP/IP, or other secure transmission protocol agreed upon by the hospital and the department.

(H) Standard electronic message means a real time message or batch message file meeting national or international standards for the electronic interchange of data. Standards include, but are not limited to, Health Level 7 (HL7), Extensible Mark-up Language (XML), Electronic Business XML (ebXML), Electronic Data Interchange (EDI), and other standards as they become available.

(2) All hospitals shall submit to the department a minimum data set on acute care hospital encounters occurring after *December 31, 2003*. *Submissions may begin sooner based upon plan submission and hospital capability*. If a hospital is unable to initially submit data for hospital encounters occurring after December 31, 2003, the hospital's plan shall detail an implementation plan including when the hospital will be able to comply with the rule. The data shall be submitted as a default standard electronic message or other format as agreed upon by the hospital and the department, using secure message transport protocols and data encryption.

(A) The minimum dataset shall be submitted a minimum of once per day as a batch message file containing the previous day's hospital encounters and updates.

(B) Real time messages will be default standard electronic messages. Other message formats must be approved and agreed upon by the department prior to submission of real time messages.

(3) The minimum dataset shall include: record type, hospital identifier, unique encounter identifier, type of encounter, place of service, patient medical record number, patient name, patient Social Security number, patient birth date, patient sex, patient race, patient ethnicity, residence address, city of residence, state of residence, zip code, county code, admission date, type of admission, and chief complaint. See Exhibit A and Exhibit B, included herein, for default standard electronic message specifications.

(4) Every hospital shall submit to the department by October 1, 2003 a plan that specifies how and when they will submit data to the department in compliance with section (2) of this rule. This plan may be revised by the hospital, with the approval of the department, in the event the hospital's capacity to report electronic messages changes to support the default standard electronic message as either batch or real time messages. The hospital shall notify the department by sixty (60) days in advance of the date they plan to change the method in which they report data. This plan shall include but not be limited to:

(A) Timing of messages either real time or batch;

(B) Secure message transport protocols to be used when submitting data to the department;

(C) Proposed format of data if the hospital is not able to conform to the default standard electronic message defined in Exhibit A or Exhibit B;

(D) Proposed format code set domain values if the hospital is not able to conform to the code sets defined in Exhibit A or Exhibit B;

(E) Hospital technical contact(s) and contact information for the department to utilize in the event technical assistance or support is necessary;

(F) Expected date to begin sending messages;

(G) If a change request, the reason for change.

(5) Hospitals shall notify the department by sixty (60) days in advance if they plan to submit the required data to the department through an association or related organization with which the department has a binding agreement to obtain data. Providers selecting this

option are responsible for ensuring that the data meet the data standards defined in this rule and are submitted to the association or related organization so the time schedule in section (2) of this rule is met. The association or related organization is responsible for ensuring that the data are provided to the department and conform to the specifications listed in Exhibit A of this rule, meeting the time schedule of section (2) of this rule.

(6) Hospitals may submit data directly to the department or through a third party acting as their agent, other than one with which the department has a binding agreement. Providers selecting this option are responsible for ensuring that all data specifications conform to the requirements of this rule.

(7) The department may release patient data on hospital encounters to a public health authority to assist the agency in fulfilling its public health mission. This data shall not be re-released in any form by the public health authority without the prior authorization of the department. Authorization for subsequent release of the data shall be considered only if the proposed release does not identify a patient, physician or provider. However, the department may authorize contact with the patient, physician or provider based upon the information supplied. The physician and provider that provided care to a patient shall be informed by the public health authority of any proposed contact with a patient.

(8) Any hospital which determines it will be temporarily unable to comply with any of the provisions of this rule or with the provisions of a previously submitted plan or plan of correction can provide the department with written notification of the expected deficiencies and a written plan of correction. This notification and plan of correction shall include the section number and text of the rule in question, specific reasons why the provider cannot comply with the rule, an explanation of any extenuating factors which may be relevant, the means the provider will employ for correcting the expected deficiency, and the date by which each corrective measure will be completed.

(9) Any hospital, which is not in compliance with these rules, shall be notified in writing by the department. The notification shall specify the deficiency and the action, which must be taken to be in compliance. The chief executive officer or designee shall have ten (10) working days following receipt of the written notification of non-compliance to provide the department with a written plan for correcting the deficiency. The plan of correction shall specify the means the provider will employ for correcting the cited deficiency and the date that each corrective measure will be completed.

(10) Upon receipt of a required plan of correction, the department shall review the plan to determine the appropriateness of the corrective action. If the plan is acceptable, the department shall notify the chief executive officer or designee in writing and indicate that implementation of the plan should proceed. If the plan is not acceptable, the department shall notify the chief executive officer or designee in writing and indicate the reasons why the plan was not accepted. A revised, acceptable plan of correction shall be provided to the department within ten (10) working days.

(11) Failure of the hospital to submit an acceptable plan of correction within the required time shall be considered continued and substantial noncompliance with this rule unless determined otherwise by the director of the department.

(12) Failure of any hospital to follow its accepted plan of correction shall be considered continued and substantial noncompliance with this rule unless determined otherwise by the director of the department.

(13) Any hospital in continued and substantial noncompliance with this rule shall be notified by registered mail and reported by the department to its Bureau of Hospital Licensing and Certification, Bureau of Narcotics and Dangerous Drugs, Bureau of Emergency Medical Services, Bureau of Home Health Licensing and Certification, Bureau of Radiological Health, State Public Health Laboratory, Bureau of Special Health Care Needs, the Division of Medical Services of the Department of Social Services, the Division of Vocational Rehabilitation of the Department of Elementary and Secondary Education and to other state agencies that administer a program with provider participation. The department shall notify the agencies that the provider is no longer eligible for participation in a state program.

(14) Any hospital that has been declared to be ineligible for participation in a state program shall be eligible for reinstatement by correcting the deficiencies and making written application for reinstatement to the department. Any provider meeting the requirements for reinstatement shall be notified by registered mail. The department shall notify state agencies that administer a program with provider participation that the provider's eligibility for participation in a state program has been reinstated.

*PUBLISHER'S NOTE: The forms, which are "included herein" as a part of this rule, are published in the emergency rules section of this issue of the **Missouri Register** (28 MoReg 1249-1264).*

AUTHORITY: sections 192.020, 192.067, 192.667, RSMo 2000. Emergency rule filed June 25, 2003, effective July 6, 2003, expires Jan. 2, 2004. Original rule filed June 25, 2003.

PUBLIC COST: This proposed rule is estimated to cost state agencies and political subdivisions two hundred twenty thousand eight hundred dollars (\$220,800) initial hospital costs and ten thousand eight hundred dollars (\$10,800) each subsequent year in the aggregate.

PRIVATE COST: This proposed rule is estimated to cost private entities six hundred thirty-eight thousand four hundred dollars (\$638,400) initial hospital costs and two hundred thirty-nine thousand four hundred dollars (\$239,400) each subsequent year in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Garland Land, Director, Center for Health Improvement and Management Evaluation, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE**PUBLIC COST****I. RULE NUMBER**

Rule Number and Name:	19 CSR 10-33.040 Electronic Reporting of Patient Abstract Data by Hospitals for Public Health Syndromic Surveillance
Type of Rulemaking:	Proposed rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate:
Department of Health and Senior Services	\$220,800 initial \$10,800 per year each subsequent year

II. WORKSHEET

1. 125 hours x \$45/hour = **\$5,625**
2. 1,500 hours x \$45/hour = **\$67,500**
3. Cost of software and hardware to receive and parse messages = **\$110,000**
4. 20 hours/month x \$45/hour x 12 months/year = **\$10,800** per year
5. 200 hours x \$45 /hour = **\$9,000**
6. 133 hospitals x 3 hours/hospital x \$45 /hour = **\$17,955**
7. Aggregate = **\$220,800** initial
\$10,800 each subsequent year

IV. ASSUMPTIONS

1. One man-hour will be required to review each hospital's plan and document deficiencies. (2 people, 0.5 hours each) and 7 hours administrative time to respond to plans.
2. It will take approximately 1,500 man-hours to write the interfaces and develop code to receive, parse, and audit the messages/files received from hospitals.
3. Hardware and software to support receipt and parsing of messages.
4. 20 man-hours per month will be required to maintain and/or troubleshoot the interface once developed.
5. 200 man-hours will be required to troubleshoot, test, and modify interfaces during initial startup of messaging.
6. 3 hours per hospital for consultation and technical assistance developing messages

FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 10-33.040 Electronic Reporting of Patient Abstract Data by Hospitals for Public Health Syndromic Surveillance
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
133	Licensed Hospitals	\$638,400 initial \$239,400 subsequent years

II. WORKSHEET

- 133 hospitals x (40 hours/hospital x 75 dollars/hour) =
133 x \$3,000/hospital = **\$399,000**
- 133 hospitals x ((2 hours/month x 75 dollars/hour) x 12 months/year) =
133 hospitals x (\$150/month) x 12 months/year =
133 hospitals x \$1,800 /hospital/year = **\$239,400 / year**
- Aggregate = \$399,000 + \$239,400 = **\$638,400 initial**
\$239,400 each subsequent year

IV. ASSUMPTIONS

- Based upon a capacity survey of Missouri hospitals, the mean time estimated to develop a compliant message was 40 hours.
- We assumed 2 hours per month to deliver and maintain the message delivery infrastructure (ongoing costs).
- We assumed \$75 per hour as a reasonable rate for estimation.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 2—DEPARTMENT OF AGRICULTURE Division 80—State Milk Board Chapter 5—Inspections

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo 2000, the board hereby amends a rule as follows:

2 CSR 80-5.010 Inspection Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2003 (28 MoReg 637-639). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No public hearing was held. No written comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 6—Wildlife Code: Sport Fishing: Seasons, Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-6.405 General Provisions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2003 (28 MoReg 851). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.435 is amended.

This amendment establishes hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.435 by establishing seasons and limits for deer hunting season during the 2003-2004 seasons.

3 CSR 10-7.435 Deer: Seasons, Methods, Limits

PURPOSE: This amendment establishes season dates and bag limits for deer hunting for the 2003-2004 seasons.

(1) General Provisions.

(A) For the purposes of this rule, deer shall mean white-tailed deer and mule deer and antlered deer shall mean a deer with at least one (1) antler not less than three inches (3") long. Deer may be pursued, taken, killed, possessed or transported only as permitted in this rule. Antlerless deer may only be taken in accordance with deer management unit regulations established for each unit. Deer management unit boundaries are defined in section (6) of this rule.

(B) Deer may be pursued or taken only from one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset.

(C) Deer shall not be taken while in any stream or other body of water, or from any boat with a motor attached. Deer may not be hunted, pursued or taken with the aid of dogs, bait, any motor driven land conveyance or aircraft at any time. While hunting or pursuing deer, dogs may not be used or possessed.

1. Bait shall mean grain or other feed placed or scattered so as to constitute an attraction or enticement to deer. Scents and minerals, including salt, are not regarded as bait. An area shall be considered baited for ten (10) days following complete removal of the bait.

(D) Any person who kills or injures any deer shall make a reasonable effort to retrieve the deer and include it in his/her season limit; however, this does not authorize trespass.

(E) During all portions of the firearms deer hunting season, all persons while deer hunting or while accompanying a person hunting deer on a Youth Deer and Turkey Hunting Permit shall wear a cap or hat, and a shirt, vest or coat having the outermost color commonly known as daylight fluorescent orange, blaze orange or hunter orange

which shall be plainly visible from all sides while being worn. Camouflage orange garments do not meet this requirement. This requirement shall apply to all hunters during the youth-only, November, and antlerless-only portions of the firearms deer hunting season. The following are exceptions to this requirement.

1. This requirement shall not apply to migratory game bird hunters, to archery deer hunters during the muzzleloader and urban deer management portions, to all hunters during the antlerless-only portion in units 28-32 and 39-57, or to hunters using archery methods while hunting within municipal boundaries where discharge of firearms is prohibited or on federal or state public hunting areas where deer hunting is restricted to archery methods.

(F) Any person killing a deer shall properly tag it immediately with the transportation tag portion of the taker's permit which shall remain attached to the carcass until it has been inspected and sealed at an established checking station except that selected persons shall check deer through the pilot Telecheck system. Persons reporting by the Telecheck system shall immediately record the Telecheck confirmation number on the transportation tag. Detaching the transportation tag from the permit prior to taking a deer renders the permit void. Resident landowners or lessees, as defined in this Code, who hunt deer as permitted in this rule without a permit issued by the department, shall tag any deer taken immediately with the full name and address of the taker and submit it for inspection as required in this rule. All deer taken shall be transported and possessed with head attached and only by the taker until such deer have been checked in accordance with established procedures.

(G) Deer taken during the youth-only, November, and antlerless-only portions of the firearms deer hunting season shall be submitted with the transportation tag attached and with the prescribed deer hunting permit for inspection and registration in the county where taken or an adjoining open county between the hours of 8:00 a.m. and 8:00 p.m. Central Standard Time (CST) on the day taken. Deer taken during the muzzleloader and urban deer management portions of the firearms deer hunting season and the archery deer hunting season shall be submitted with the transportation tag attached and with the prescribed deer hunting permit for inspection and registration within twenty-four (24) hours of take at any established checking station. Persons reporting deer through the Telecheck system must do so within the open checking hours specified for the appropriate season portion.

(H) Notwithstanding any contrary provisions of other rules, deer checked in accordance with established procedures and registered with a locking seal or an issued Telecheck confirmation number may be transported, possessed and stored, and parts of properly checked deer when labeled with the full name, address and permit number of the taker, may be transported and possessed by any person. Locking seals placed on deer at established checking stations or transportation tags with Telecheck confirmation numbers shall remain attached to the deer carcass until the processor begins the act of processing the meat for packaging. Donations of commercially processed deer meat may be made to not-for-profit charitable organizations for distribution to underprivileged persons under administrative guidelines established by the director.

(I) Deer, except with written authorization of the director or as provided in 3 CSR 10-4.130 and 3 CSR 10-9.565, may not be hunted, pursued, or taken within any area enclosed by a fence greater than seven feet (7') in height that would contain or restrict the free range of deer.

(2) Archery Deer Hunting Season. The archery deer hunting season dates are October 1, 2003 through January 15, 2004 excluding the November portion of the firearms deer hunting season.

(A) Deer may be taken as provided in section (1) by the holder of an archer's hunting permit exclusively by longbow. Archers may take two (2) deer of either sex statewide, provided that only one (1) antlered deer may be taken prior to the November portion of the firearms deer hunting season. In addition, a resident or nonresident

archer holding an archer's hunting permit may obtain antlerless-only archery deer hunting permits in any number valid only in units 1-40, 45-52, 58, and 59 and may take one (1) antlerless deer on each permit. An archer, while in the act of pursuing or hunting deer during the archery season, shall not have a firearm on his/her person.

(B) A resident landowner or lessee, as defined in this Code, shall not be required to purchase archer's hunting permits or antlerless-only archery deer hunting permits to hunt deer as prescribed in subsection (2)(A), on any land s/he owns or, in the case of the lessee, upon which s/he resides, but s/he shall adhere to seasons, methods, units and limits prescribed. Nonresident landowners who qualify under this rule are eligible to purchase nonresident landowner archer's hunting permits for use on qualifying land. A nonresident landowner also may purchase antlerless-only archery permits after obtaining a nonresident landowner archer's hunting permit.

(3) Firearms Deer Hunting Season.

(A) The firearms deer hunting season is comprised of five (5) portions:

1. During the youth-only portion (November 1 through November 2, 2003), a Missouri resident who is at least six (6) but not older than fifteen (15) years of age and holding a valid firearms deer hunting permit may take one (1) deer of either sex in any unit as provided in this rule. Deer taken during this portion of the firearms deer hunting season must be included in the total firearms deer hunting season limits.

2. During the urban deer management portion (October 25 through October 26, 2003), a person holding a firearms deer hunting permit may take only antlerless deer in units 58 and 59 as provided in this rule. Deer may be taken only with a longbow, crossbow, or muzzleloading or cap-and-ball firearm not capable of being loaded from the breech, not smaller than .40 caliber, and capable of firing only a single projectile at one (1) discharge.

3. During the November portion (November 15 through November 25, 2003), a person holding a firearms deer hunting permit may take deer as provided in this rule.

4. During the muzzleloader portion (November 28 through December 7, 2003), a person holding a firearms deer hunting permit may take deer as provided in this rule. Deer may be taken only with a muzzleloading or cap-and-ball firearm not capable of being loaded from the breech, not smaller than .40 caliber, and capable of firing only a single projectile at one (1) discharge. A person, while in the act of pursuing or hunting deer on a firearms deer hunting permit during this portion of the firearms deer hunting season may have and use more than one (1) muzzleloading or cap-and-ball firearm, but may have no other firearm, longbow or crossbow on his/her person.

5. During the antlerless-only portion (December 13 through December 21, 2003), a person holding a firearms deer hunting permit may take only antlerless deer in units 1 through 27, 33 through 38, 58 and 59 as provided in this rule.

(B) During the youth-only, November, and antlerless-only portions, deer may be taken with a shotgun not larger than 10-gauge; or with a muzzleloading or cap-and-ball firearm not capable of being loaded from the breech, not smaller than .40 caliber, and capable of firing only a single projectile at one (1) discharge; or with any pistol, revolver or rifle firing centerfire ammunition propelling an expanding-type bullet; or with a longbow or crossbow. The possession of full hard metal case projectiles, ammunition propelling more than one (1) projectile at a single discharge and self-loading firearms having a capacity of more than eleven (11) cartridges in magazine and chamber combined are prohibited while pursuing deer.

(C) A person may take only one (1) antlered deer during the firearms deer hunting season. A person may take one (1) deer of either sex on a firearms any-deer hunting permit. A person may take one (1) additional antlerless deer on a firearms first bonus deer hunting permit and additional antlerless deer in any number on firearms second bonus deer hunting permits. As provided in 3 CSR 10-5.205, a person at least six (6) and under sixteen (16) years of age holding

a youth deer and turkey hunting permit may take one (1) deer of either sex statewide during the firearms deer hunting season, except that only antlerless deer may be taken during the urban deer management and antlerless-only portions.

(D) During the November and antlerless-only portions, other wildlife may be hunted only with a shotgun and shot not larger than No. 4, except that this provision does not apply to waterfowl hunters, trappers or to a resident landowner on his/her land or to a lessee on the land on which s/he resides; provided that the holder of an unused firearms deer hunting permit and the prescribed hunting permit may take coyotes and, after the opening of the furbearer hunting season, furbearers as described in 3 CSR 10-7.450 by the methods prescribed for taking deer. Furbearers may not be chased, pursued or taken with the aid of dogs during the daylight hours from November 1 through November 25, 2003 statewide, and from December 13 through December 21, 2003 in units 1-27, 33-38, 58 and 59. Squirrels and rabbits may not be chased, pursued or taken with the aid of dogs during daylight hours of the November portion in Bollinger, Butler, Carter, Dent, Iron, Madison, Oregon, Reynolds, Ripley, Shannon and Wayne counties.

(E) In accordance with section 270.400 of *Missouri Revised Statutes*, feral hogs (any hog, including Russian and European wild boar, that is not conspicuously identified by ear tags or other forms of identification and is roaming freely upon public or private lands without the landowner's permission) may be taken in any number during all portions of the firearms deer hunting season. During the youth-only and muzzleloader portions, feral hogs may be pursued and taken only by the holder of a valid, unused deer hunting permit or small game hunting permit by methods prescribed in Chapter 7 for taking wildlife. During the November and antlerless-only portions, feral hogs may be pursued and taken only with a shotgun and shot not larger than No. 4 by the holder of a small game hunting permit; provided that the holder of a valid, unused firearms deer hunting permit may pursue and take feral hogs by the methods prescribed for taking deer. Feral hogs may not be chased, pursued or taken with the aid of dogs during the November portion, and during the antlerless-only portion in deer management units open to deer hunting. During all portions of the firearms deer hunting season, feral hogs may not be pursued or taken with the aid of bait. Other restrictions may apply on public lands. Resident landowners or lessees as defined in this Code may take feral hogs on their own property at any time, by any method and without permit.

(F) A resident landowner or lessee, as defined in this Code, shall not be required to purchase a firearms deer hunting permit to hunt deer as prescribed in this rule, on any land s/he owns or, in the case of the lessee, upon land which s/he resides. Resident landowners or lessees who take deer under this privilege may also purchase and use firearms bonus deer hunting permits to take antlerless deer but s/he shall adhere to seasons, methods, units and limits prescribed.

(G) Resident landowners or corporate shareholders who qualify under subsection (4)(E) of this rule are eligible for firearms any-deer and bonus deer hunting permits at no cost. Nonresident landowners who qualify under subsection (4)(F) of this rule are eligible to purchase nonresident landowner firearms deer permits for use on qualifying land.

(4) Deer management unit boundaries are defined in section (6) of this rule. Hunting is permitted within deer management units as follows:

(A) Units 1-59:

1. During the youth-only portion of the firearms deer hunting season, one (1) deer of either sex may be taken statewide as provided in section (3) except that only antlerless deer may be taken on bonus permits. Deer taken during this portion of the firearms deer hunting season must be included in the total firearms deer hunting season limits.

2. During the November and muzzleloader portions of the firearms deer hunting season, one (1) deer of either sex may be taken

statewide as provided in section (3). Bonus permit holders may take additional antlerless deer in the unit specified on the permits. Nonresidents may purchase first bonus and second bonus permits if available to residents in a deer management unit after first purchasing a nonresident firearms deer hunting permit.

(B) Units 1-27, 33-38, 58 and 59: During the antlerless-only portion of the firearms deer hunting season, a person holding an any-deer and/or bonus permit(s) from any unit or holding a youth deer and turkey hunting permit may take antlerless deer.

(C) Units 58 and 59: During the urban deer management portion of the firearms deer hunting season, a person holding a firearms deer hunting permit may take one (1) antlerless deer. Bonus deer permit holders may take additional antlerless deer in the unit specified on the permit. Resident landowners who own property within units 58 or 59 may take additional antlerless deer on their property without purchasing a permit as described in (3)(F) of this rule.

(D) A resident landowner or lessee of five (5) or more acres may take one (1) deer on any land s/he owns or, in the case of the lessee, upon land which s/he resides.

(E) Missouri residents can qualify to receive one (1) landowner firearms deer hunting permit and up to two (2) landowner bonus permits based on unit antlerless-deer quotas. The minimum acreage required is seventy-five (75) acres in a single management unit or seventy-five (75) continuous acres divided by a unit boundary. Those who qualify are:

1. Landowners and members of the resident landowner's immediate household whose legal residence and domicile is the same as the landowner's for at least thirty (30) days last past.

2. Lessees who reside on the landowner's property and/or their immediate household members.

3. Officers, four (4) or fewer, of resident or foreign corporations.

4. General partners, four (4) or fewer, of partnerships.

5. Officers or managing members, four (4) or fewer, of resident limited liability companies.

6. Officers, four (4) or fewer, of benevolent associations organized pursuant to Chapter 352 of the *Revised Statutes of Missouri*.

(F) Nonresident landowners who can qualify to purchase nonresident landowner deer and turkey hunting permits are:

1. Landowners of at least seventy-five (75) acres in one (1) continuous tract.

2. Members of the nonresident landowner's immediate household whose legal residence and domicile is the same as the landowner's for at least thirty (30) days last past.

3. Four (4) or fewer general partners of partnerships.

(G) No person may receive more than one (1) landowner firearms deer and two (2) landowner bonus deer hunting permits for the firearms season. Persons may take up to three (3) deer on the landowner privilege depending on unit antlerless deer quotas. No person may take more than one (1) antlered deer during the firearms deer hunting season.

(5) Managed Deer Hunts.

(A) Additional deer may be taken on a managed deer hunting permit. A person may participate in only one (1) managed deer hunt in the prescribed permit year with the exception that disabled persons permanently confined to a wheelchair may participate in more than one managed hunt. Managed deer hunts include:

1. On the fenced portion of Caney Mountain Conservation Area, one (1) deer of either sex may be taken with muzzleloading or cap-and-ball firearms from October 18 through October 20, 2003.

2. On the fenced portion of Peck Ranch Conservation Area, one (1) deer of either sex may be taken with longbow from October 4 through October 5, 2003; one (1) deer of either sex may be taken with modern firearms from October 25 through October 26, 2003; one (1) antlered deer may be taken with muzzleloading or cap-and-ball firearms from October 18 through October 19, 2003.

3. On Drury-Mincy Conservation Area, one (1) deer of either sex may be taken with muzzleloading or cap-and-ball firearms from October 25 through October 27, 2003.

4. On designated portions of Swan Lake National Wildlife Refuge, two (2) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from January 3 through January 4, 2004. An antlerless deer must be taken and registered prior to taking an antlered deer. Two (2) antlerless deer may be taken with muzzleloading or cap-and-ball firearms from January 10 through January 11, 2004.

5. On designated portions of Fort Leonard Wood, one (1) deer of either sex may be taken with historic weapons from December 20 through December 21, 2003.

6. On designated portions of Mingo National Wildlife Refuge, one (1) deer of either sex may be taken with muzzleloading or cap-and-ball firearms from January 3 through January 4, 2004.

7. On designated portions of August A. Busch Memorial Conservation Area, one (1) deer of either sex may be taken with longbow from October 1 through October 10, 2003, from October 13 through October 22 and from December 20 through December 31, 2003; one (1) deer of either sex may be taken with historic weapons or modern firearms from October 25 through October 26, 2003; one (1) antlerless deer may be taken with muzzleloading or cap-and-ball firearms from November 17 through November 19, 2003; and one (1) deer of either sex may be taken with muzzleloading or cap-and-ball firearms from November 22 through November 24, 2003.

8. On Weldon Spring Conservation Area, one (1) deer of either sex may be taken with longbow from October 1 through October 10, 2003 from October 13 through October 22, 2003 from December 20 through December 31, 2003 and from January 3 through January 15, 2004; one (1) deer of either sex may be taken with modern firearms from October 25 through October 26, 2003 from November 17 through November 19, 2003 and from November 22 through November 24, 2003.

9. On designated portions of James A. Reed Memorial Wildlife Area, two (2) deer, only one (1) of which may be antlered, may be taken with longbow from October 11 through October 19, 2003; and two (2) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from October 27 through October 31, 2003 and from November 10 through November 14, 2003. An antlerless deer must be taken and registered prior to taking an antlered deer.

10. On designated portions of U.S. Army Corps of Engineers project lands at Smithville Lake, three (3) deer, only one (1) of which may be antlered, may be taken with modern firearms from November 22 through November 23, 2003 and two (2) deer, only one (1) of which may be antlered, may be taken with modern firearms from January 17 through January 18, 2004. On designated portions of Truman Lake and Stockton Lake, two (2) deer, only one (1) of which may be antlered, may be taken with modern firearms from November 8 through November 9, 2003. On designated portions of Clearwater Lake, two (2) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from November 1 through November 2, 2003.

11. On designated portions of Whetstone Creek Conservation Area, three (3) deer, only one (1) of which may be antlered, may be taken with modern firearms from November 17 through November 19, 2003. An antlerless deer must be taken and registered prior to taking an antlered deer. Two (2) antlerless deer may be taken with modern firearms from December 20 through December 21, 2003. Three (3) deer, only one (1) of which may be antlered, may be taken with longbow from October 1 through November 14, 2003; and two (2) antlerless deer may be taken with longbow from November 26 through December 17, 2003.

12. On designated portions of Forest 44 Conservation Area, two (2) deer, only one (1) of which may be antlered, may be taken with longbow from October 1 through October 14, 2003 and from December 1 through December 31, 2003; and two (2) deer, only one

(1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from November 17 through November 18, 2003 and from November 24 through November 25, 2003.

13. On designated portions of Squaw Creek National Wildlife Refuge, four (4) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from January 10 through January 12, 2004. Two (2) antlerless deer must be taken and registered before taking an antlered deer.

14. On designated portions of Burr Oak Woods Conservation Area, one (1) deer of either sex may be taken with longbow from November 10 through November 12, 2003; three (3) deer may be taken with muzzleloading or cap-and-ball firearms from December 1 through December 3, 2003 and from December 17 through December 19, 2003. An antlerless deer must be taken and registered prior to taking an antlered deer.

15. On designated portions of Shaw Nature Reserve, three (3) antlerless deer may be taken with muzzleloading or cap-and-ball firearms from December 6 through December 7, 2003.

16. On designated portions of Stockton State Park and Cuivre River State Park, three (3) deer, only one (1) of which may be antlered, may be taken with modern firearms from December 13 through December 14, 2003; on designated portions of Pershing State Park, three (3) deer, only one (1) of which may be antlered, may be taken with modern firearms from December 6 through December 7, 2003; on designated portions of Watkins Mill State Park, three (3) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from December 6 through December 7, 2003; on designated portions of Rock Bridge State Park and Babler State Park, three (3) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from December 13 through December 14, 2003; on designated portions of Big Oak Tree State Park, three (3) antlerless deer may be taken with muzzleloading or cap-and-ball firearms on December 20, 2003; on designated portions of Knob Noster State Park, three (3) antlerless deer may be taken with modern firearms from December 13 through December 14, 2003; on designated portions of Truman State Park, three (3) antlerless deer may be taken with modern firearms from January 10 through January 11, 2004. During the Watkins Mill State Park, Rock Bridge State Park, Babler State Park, Cuivre River State Park, Pershing State Park, and Stockton State Park managed hunts two (2) antlerless deer must be taken and registered before taking an antlered deer.

17. On designated portions of Jackson County's Fleming Park, three (3) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from November 12 through November 14, 2003, from December 1 through December 3, 2003, from December 10 through December 12, 2003, and from December 17 through December 19, 2003; on designated portions of Monkey Mountain, three (3) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from December 1 through December 3, 2003. During the Fleming Park and Monkey Mountain managed hunts, an antlerless deer must be taken and registered prior to taking an antlered deer.

18. On designated portions of Rockwoods Range, two (2) deer, only one (1) of which may be antlered, may be taken with longbow from November 1 through November 30, 2003 and from December 1 through December 31, 2003.

19. On designated portions of Charles W. Green Conservation Area, one (1) deer of either sex may be taken with historic weapons or modern firearms on November 1, 2003, from November 8 through November 9, 2003, and from November 29 through November 30, 2003.

20. On designated portions of Pelican Island Natural Area, two (2) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from November 8 through November 10, 2003.

21. On designated portions of Prairie Fork Creek Conservation Area, three (3) deer, only one (1) of which may be antlered, may be

taken with modern firearms from November 17 through November 19, 2003 and two (2) antlerless deer may be taken with modern firearms from December 20 through December 21, 2003.

22. On designated portions of St. Stanislaus Conservation Area, two (2) deer, only one (1) of which may be antlered, may be taken with longbow from October 1 through November 18, 2003 and from November 22 through December 31, 2003.

23. On designated portions of Clarence Cannon National Wildlife Refuge, three (3) antlerless deer may be taken with modern firearms from January 3 through January 4, 2004.

24. On designated portions of the Big Spring Area of the Ozark National Scenic Riverways, three (3) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from January 10 through January 11, 2004. Two (2) antlerless deer must be taken and registered prior to taking an antlered deer.

25. On designated portions of Marais Temps Clair Conservation Area, one (1) deer of either sex may be taken with longbow from January 1 through January 15, 2004.

26. On designated portions of Otter Slough Conservation Area, one (1) antlerless deer may be taken with longbow from October 1 through October 14, 2003 and one (1) deer of either sex may be taken with longbow from January 1 through January 15, 2004.

27. On designated portions of Rockwoods Reservation two (2) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from November 17 through November 18, 2003. An antlerless deer must be taken and registered prior to taking an antlered deer.

28. On designated portions of Columbia Bottom Conservation Area, one (1) deer of either sex may be taken with longbow from October 15 through November 14, 2003, from November 18 through December 14, 2003, and from December 18, 2003 through January 15, 2004.

SUMMARY OF PUBLIC COMMENT: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed June 5, 2003, effective **June 20, 2003**.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-10.726 Reciprocal Privileges: Commercial Fishing and Musseling; Commercial Waters **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2003 (28 MoReg 851-852). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission adopts a rule as follows:

3 CSR 10-10.732 Tag and Release Fishing Promotion Permit **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2003 (28 MoReg 852). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 20—Electric Utilities**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.887, RSMo Supp. 2002, 386.250 and 536.016, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-20.065 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 15, 2003 (28 MoReg 711-719). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held May 19, 2003, and the public comment period ended May 15, 2003. At the public hearing, Warren Wood, Manager of the Energy Department of the Public Service Commission of Missouri, explained the development of the proposed rule and presented the comments of Public Service Commission Staff through an exhibit that was marked Exhibit No. 1 and entered into the record. Ruth O'Neill, Assistant Public Counsel with the Office of the Public Counsel presented the Office of the Public Counsel's comments at the public hearing.

COMMENT: Mike Palmer, Vice-President, Commercial Operations, The Empire District Electric Company, on behalf of The Empire District Electric Company, endorsed the proposed rule as published and the joint collaborative process with affected parties that the Commission used in developing the proposed rule.

RESPONSE: No changes have been made to the rule as a result of this comment.

COMMENT: Victor Scott, attorney for the Association of Missouri Electric Cooperatives, on behalf of the Association, supported the proposed rule as published and the opportunity given the Association to participate in the creation of the draft of the proposed rule that was presented to the Commission.

RESPONSE: No changes have been made to the rule as a result of this comment.

COMMENT: Warren Wood, Manager, Energy Department of the Public Service Commission, requested a change to the Interconnection Application/Agreement for Net Metering Systems with Capacity of 100kW or Less that is included in the rule. He

requested that the last sentence of section D (Additional Terms and Conditions) in subsection three (3) (Interconnection Costs) of the interconnection application/agreement be changed to the following: "Upon request, [Utility Name] shall provide the Customer-Generator with a not-to-exceed costs statement for interconnection with [Utility Name] based upon the plans and specifications provided by the Customer-Generator to [Utility Name]." Mr. Wood attributed this change to Anita Randolph with the Department of Natural Resources and that it be made to address the fact that the "non-binding" interconnection cost estimate provisions in the contract as proposed would result in customer-generators signing a binding contract with their retail electric supplier before knowing the full extent of potential cost for interconnection.

RESPONSE AND EXPLANATION OF CHANGE: The Public Service Commission has considered this comment and believes this to be an appropriate change to the interconnection application/agreement. This modification would provide the customer-generator with a clearer understanding of the maximum cost to install the facility before the customer-generator enters into a binding agreement. The last sentence of subsection three (3) of section D of the Interconnection Application/Agreement that is included in the rule will be changed.

COMMENT: Bill Roush, President, Heartland Solar Energy Industries Association and with Solar Electric Systems/KC, Inc. stated that this rule should be quite effective in stopping all solar, wind and fuel cell interconnections to the grid by legitimate contractors for homeowners and small business people in Missouri.

RESPONSE: Most of the proposed rule incorporates requirements established by statute. No changes have been made to the rule as a result of this comment.

COMMENT: Warren Wood, Manager, Energy Department of the Public Service Commission, related that Anita Randolph with the Department of Natural Resources noted that the proposed rule does not provide incentives for consumers to generate clean energy for their use and noted that the governing statute is restrictive in this regard.

RESPONSE: Most of the proposed rule incorporates requirements established by statute. No changes have been made to the rule as a result of this comment.

COMMENT: Ruth O'Neill with the Office of the Public Counsel echoed the comments of Bill Roush and Anita Randolph that the rule does not provide incentives for consumers to generate clean energy for their use and that the rule is not supportive of interconnections to the grid of solar, wind and fuel cells by legitimate contractors for homeowners and small business people.

RESPONSE: Most of the proposed rule incorporates requirements established by statute. No changes have been made to the rule as a result of these comments.

COMMENT: Warren Wood, Manager, Energy Department of the Public Service Commission stated that he had contacted Mr. Roush and that Mr. Roush's comments that the rule would be quite effective in stopping all solar, wind and fuel cell interconnections to the grid by legitimate contractors for homeowners and small business people in Missouri were really directed at the statute, not the proposed rule; further, Mr. Wood related that these same concerns had been raised during the joint collaborative process that was used to create the rule as proposed.

RESPONSE: Most of the proposed rule incorporates requirements established by statute. No changes have been made to the rule as a result of this comment.

COMMENT: Michael A. Rump, Senior Attorney, Great Plains Energy Services, as attorney for Kansas City Power & Light Company recommended that, for safety, qualified personnel should

be required to conduct the annual test required by section (8) of the rule rather than the current language, which permits the customer-generator to conduct the test.

RESPONSE: The protections that will be afforded by existing standards and practices—including those promulgated by IEEE and UL related to non-islanding equipment and NESC related to rules for the operation of electric lines, which require that employees consider electric lines to be energized unless they are positively known to be de-energized—together with the requirements in the proposed rule that a visible, lockable disconnect switch be provided and that the utility have access to the customer-generator's system for testing if they believe it is warranted together provide adequate safety so that additional cost to the customer-generator of annual testing by qualified personnel is not necessary. Customer-generators will be able to conduct the test required by the proposed rule and confirm that their system is operating in the manner expected when it is disconnected from the utility interconnect. No changes have been made to the rule as a result of this comment.

COMMENT: Warren Wood, Manager, Energy Department of the Public Service Commission, stated that the issue of the qualifications of those performing the annual test referenced in section (8) of the rule were discussed during the joint collaborative process used to develop the proposed rule, that he believed that the participants had agreed to the language in the proposed rule as a reasonable compromise, that customer-generators will be capable of performing the test, that existing standards and practices—including those of IEEE, UL and NESC—that relate to non-islanding equipment (does not provide power back to de-energized line) and operation of electric lines (electric supply equipment and lines are considered energized, unless positively known to be de-energized) provide adequate protections, and that the retail electric power supplier will have access both to test the customer-generator's system and to a visible, lockable disconnect switch that it can use to disconnect the customer-generator's system.

RESPONSE: No changes have been made to the rule as a result of this comment.

COMMENT: Michael A. Rump, Senior Attorney, Great Plains Energy Services, as attorney for Kansas City Power & Light Company recommended that a requirement should be added to the rule that the utility is not required to connect service until the requirements and specifications of all applicable federal, state and local laws, rules and regulations have been met.

RESPONSE: The proposed rule requires that certification be provided by a qualified electrician or engineer that the installed facilities meet the requirements set out in the rule. Sufficient guidance as to what information the customer-generator must provide to the retail electric supplier before the retail electric supplier approves the interconnection is provided in the proposed rule. Specific reference in the rule to the need for compliance with all applicable federal, state and local laws, rules and regulations and the requirement of submission of certification of compliance with all applicable federal, state and local laws, rules and regulations is unnecessary and would impose requirements beyond those indicated by the enabling statute. Furthermore, the retail electric supplier should not determine whether all other federal, state and local laws, rules and regulations have been met. No changes have been made to the rule as a result of this comment.

COMMENT: Warren Wood, Manager, Energy Department of the Public Service Commission, stated that the issue of requiring certification that the requirements of and specifications of all applicable federal, state and local laws, rules and regulations have been met before a retail electric power supplier allows interconnection was not addressed during the joint collaborative process used to develop the proposed rule, that the statute is clear as to the requirements that are to be met for interconnection and that the statutory requirements are embodied in the proposed rule. He further stated that the utility

should not be making the determination of when such requirements are met, that the rule requires the customer-generator to identify who will inspect and certify the installation, that a licensed engineer or licensed electrician is to certify the system meets requirements established in Section C of the interconnection application/agreement. He also suggested that, if the Commission considers a revision on this issue, the revision should be to include an acknowledgement in the interconnection application/agreement that the customer-generator is responsible for assuring that the installation complies with all other applicable federal, state and local laws.

RESPONSE: No changes have been made to the rule as a result of this comment.

COMMENT: Michael A. Rump, Senior Attorney, Great Plains Energy Services, as attorney for Kansas City Power & Light Company stated that the cap of one hundred thousand dollars (\$100,000) of liability insurance is inadequate and recommended that the rule should be changed to require that the customer-generator carry "adequate" insurance coverage.

COMMENT: David Hennen, Associate General Counsel, Ameren Services Company, as attorney for Union Electric Company d/b/a AmerenUE, suggested that the insurance obligation is too low and should be increased to two hundredfifty thousand dollars (\$250,000).

COMMENT: Warren Wood, Manager, Energy Department of the Public Service Commission, related that Anita Randolph with the Department of Natural Resources stated that customer-generators should be not be required to carry additional liability insurance in excess of a normal homeowner's policy and that the current provisions in the rule and contract would stifle development of indigenous renewable energy resources and the use of net metering and utility interconnection.

COMMENT: Ruth O'Neill with the Office of the Public Counsel expressed concern that the insurance level is set too high. Ms. O'Neill also noted that there is insufficient evidence of risk to require a minimum of one hundred thousand dollars (\$100,000) of liability insurance and suggested that the amount of insurance required should be less than one hundred thousand dollars (\$100,000).

RESPONSE: The Commission has considered the comments made by each commenter regarding the appropriate level of liability insurance coverage as well as the testimony and other evidence at the hearing about the proposed minimum liability insurance coverage level of one hundred thousand dollars (\$100,000), including statements made regarding how the topic was addressed during the joint collaborative process that preceded the proposed rule. The proposed rule includes stringent safety requirements. Warren Wood, Manager, Energy Department of the Public Service Commission stated that thousands of these systems are currently in use and that it had made inquiry and raised the issue during the joint collaborative process with affected parties that preceded publication of the proposed rule, and that the Commission's Staff was aware of no injuries or fatalities in incidents of failure of this equipment to isolate. Mr. Wood also stated that Public Service Commission Staff's review of other states' provisions showed that a requirement for one hundred thousand dollars (\$100,000) of liability insurance is not an uncommon level for these types of installations. The rule does not prevent customer-generators from purchasing additional insurance. No changes have been made to the rule as a result of this comment.

COMMENT: Warren Wood, Manager, Energy Department of the Public Service Commission, stated that the issue of the appropriate level of liability insurance coverage was discussed extensively during the joint collaborative process used to develop the proposed rule. He stated that the level of one hundred thousand dollars (\$100,000) in coverage was chosen as a reasonable settlement of differing views. He noted that the proposed rule includes stringent safety requirements. He further related that thousands of these systems are currently in use, that he had made inquiry and raised the issue during the joint collaborative process with affected parties that preceded

publication of the proposed rule, and that the Commission's Staff was aware of no injuries or fatalities in incidents of failure of this equipment to isolate. He stated that Commission Staff's review of other states' provisions showed that a requirement for one hundred thousand dollars (\$100,000) of liability insurance is not an uncommon level for these types of installations. He noted that the rule does not prevent customer-generators from purchasing additional insurance.

RESPONSE: No changes have been made to the rule as a result of this comment.

COMMENT Michael A. Rump, Senior Attorney, Great Plains Energy Services, as attorney for Kansas City Power & Light Company suggested that, to enhance the intent, the word "acceptance" should be substituted for the word "approval" where it occurs in section G of the interconnection application/agreement.

RESPONSE: The last sentence of 386.887.9 states, "If the application for interconnection is *approved* by the retail electric supplier, the retail electric supplier shall complete the interconnection within 15 days if electric service already exists to the premises, unless a later date is mutually agreeable to both the customer-generator and the retail electric supplier" (emphasis added). The Commission believes that the use of the word "approval" is reasonable and consistent with the language in the statute. No changes have been made to the rule as a result of this comment.

COMMENT: Warren Wood, Manager, Energy Department of the Public Service Commission, stated that the use of the word "approval" in section G of the interconnection application/agreement was briefly discussed during the joint collaborative process and that it was the Commission Staff's understanding that the parties had accepted the use of the word "approval." He noted that the statute authorizing the rule uses in section 386.887.9, RSMo Supp. 2002, the word "approved" as follows: "If the application for interconnection is approved by the retail electric supplier,"

RESPONSE: No changes have been made to the rule as a result of this comment.

COMMENT: In subsection (6) of section D of the Interconnection Application/Agreement a grammatical error was found.

RESPONSE AND EXPLANATION OF CHANGE: The sentence is corrected and subsection (6) of section D is reprinted.

4 CSR 240-20.065 Net Metering

INTERCONNECTION APPLICATION/AGREEMENT FOR NET METERING SYSTEMS WITH CAPACITY OF 100 kW OR LESS

For Customers Who Are Assuming Ownership or Operational Control of an Existing Customer-Generator System:

If no changes are being made to the existing Customer-Generator System, complete sections A, D and F of this Application/Agreement and forward to [Utility Name] at:

[Utility Mailing Address]

[Utility Name] will review the new Application/Agreement and shall approve such, within fifteen (15) days of receipt by [Utility Name] if the new Customer-Generator has satisfactorily completed Application/Agreement, and no changes are being proposed to the existing Customer-Generator System. There are no fees or charges for the Customer-Generator who is assuming ownership or operational control of an existing Customer-Generator System if no modifications are being proposed to that System.

D. Additional Terms and Conditions

In addition to abiding by [Utility Name]'s other applicable rules and regulations, the Customer-Generator understands and agrees to the following specific terms and conditions:

3) Interconnection Costs

The Customer-Generator shall, at the Customer-Generator's cost and expense, install, operate, maintain, repair, and inspect, and shall be fully responsible for the Customer-Generator's System. The Customer-Generator further agrees to pay or reimburse to [Utility Name] all of [Utility Name]'s Interconnection Costs. Interconnection Costs are the reasonable costs incurred by [Utility Name] for: (1) additional tests or analyses of the effects of the operation of the Customer-Generator's System on [Utility Name]'s local distribution system, (2) additional metering, and (3) any necessary controls. These Interconnection Costs must be related to the installation of the physical facilities necessary to permit interconnected operation of the Customer-Generator's System with [Utility Name]'s system and shall only include those costs, or corresponding costs, which would not have been incurred by [Utility Name] in providing service to the Customer-Generator solely as a consumer of electric energy from [Utility Name] pursuant to [Utility Name]'s standard cost of service policies in effect at the time the Customer-Generator's System is first interconnected with [Utility Name]'s system. Upon request, [Utility Name] shall provide the Customer-Generator with a not-to-exceed cost statement for interconnection with [Utility Name]'s based upon the plans and specifications provided by the Customer-Generator to [Utility Name].

6) Transfer of Ownership

If operational control of the Customer-Generator's System transfers to any other party than the Customer-Generator, a new Application/Agreement must be completed by the person or persons taking over operational control of the existing Customer-Generator System. [Utility Name] shall be notified no less than thirty (30) days before the Customer-Generator anticipates transfer of operational control of the Customer-Generator's System. The person or persons taking over operational control of Customer-Generator's System must file a new Application/Agreement, and must receive authorization from [Utility Name], before the existing Customer-Generator System can remain interconnected with [Utility Name]'s electrical system. The new Application/Agreement will only need to be completed to the extent necessary to affirm that the new person or persons having operational control of the existing Customer-Generator System completely understand the provisions of this Application/Agreement and agree to them. If no changes are being made to the Customer-Generator's System, completing sections A, D and F of this Application/Agreement will satisfy this requirement. If no changes are being proposed to the Customer-Generator System, [Utility Name] will assess no charges or fees for this transfer. [Utility Name] will review the new Application/Agreement and

shall approve such, within fifteen (15) days if the new Customer-Generator has satisfactorily completed the Application/Agreement, and no changes are being proposed to the existing Customer-Generator System. [Utility Name] will then complete section G and forward a copy of the completed Application/Agreement back to the new Customer-Generator, thereby notifying the new Customer-Generator that the new Customer-Generator is authorized to operate the existing Customer-Generator System in parallel with [Utility Name]'s electrical system. If any changes are planned to be made to the existing Customer-Generator System that in any way may degrade or significantly alter that System's output characteristics, then the Customer-Generator shall submit to [Utility Name] a new Application/Agreement for the entire Customer-Generator System and all portions of the Application/Agreement must be completed.

8) Testing Requirement

The Customer-Generator must, at least once every year, conduct a test to confirm that the Customer-Generator's net metering unit automatically ceases to energize the output (interconnection equipment output voltage goes to zero) within two (2) seconds of being disconnected from [Utility Name]'s electrical system. Disconnecting the net metering unit from [Utility Name]'s electrical system at the visible disconnect switch and measuring the time required for the unit to cease to energize the output shall satisfy this test. The Customer-Generator shall maintain a record of the results of these tests and, upon request by [Utility Name], shall provide a copy of the test results to [Utility Name]. If the Customer-Generator is unable to provide a copy of the test results upon request, [Utility Name] shall notify the Customer-Generator by mail that Customer-Generator has thirty (30) days from the date the Customer-Generator receives the request to provide to [Utility Name], the results of a test. If the Customer-Generator's equipment ever fails this test, the Customer-Generator shall immediately disconnect the Customer-Generator's System from [Utility Name]'s system. If the Customer-Generator does not provide results of a test to [Utility Name] within thirty (30) days of receiving a request from [Utility Name] or the results of the test provided to [Utility Name] show that the Customer-Generator's net metering unit is not functioning correctly, [Utility Name] may immediately disconnect the Customer-Generator's System from [Utility Name]'s system. The Customer-Generator's System shall not be reconnected to [Utility Name]'s electrical system by the customer-generator until the Customer-Generator's System is repaired and operating in a normal and safe manner.

I have read, understand, and accept the provisions of Section D, subsections 1 through 8 of this Application/Agreement.

Signed (Customer-Generator): _____ Date: _____

**Title 10—DEPARTMENT OF
NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 2—Air Quality Standards and Air Pollution
Control Rules Specific to the Kansas City Metropolitan
Area**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-2.340 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 18, 2003 (28 MoReg 325–327). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received comments from Commercial Lithographing Company, the Printing and Imaging Association of MidAmerica (PIA), the Regulatory Environmental Group for Missouri (REGFORM) and the U.S. Environmental Protection Agency (EPA). Similar comments on this proposed amendment are grouped together and addressed with one response.

Due to similar concerns addressed in the following two (2) comments, one (1) response that addresses these concerns can be found at the end of these two (2) comments:

COMMENT: Commercial Lithographing Company, PIA and REGFORM commented that using uncontrolled potential to emit as the applicability criteria represents an increase in the stringency of the rule.

COMMENT: EPA commented that according to policy, reasonably available control technology (RACT) rules should be based on potential to emit not adjusted actual emissions. The proposed method for calculating emissions adjusts crewed hours to eight thousand seven hundred sixty (8,760) hours, but does not account for emissions that could occur through underutilized capacity.

RESPONSE AND EXPLANATION OF CHANGE: In order to avoid confusion over whether the proposed amendment increases or decreases the stringency of the rule, the department's Air Pollution Control Program has revised subsection (1)(B), restoring the original rule language minus the erroneous applicability formula.

COMMENT: Commercial Lithographing Company and PIA commented that paragraphs (1)(B)5., 6. and 7. are difficult to understand and that paragraph (1)(B)7. appears to disallow the use of the retention factors given in paragraphs (1)(B)1., 2., 3. and 4.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has reviewed the language in paragraphs (1)(B)5., 6. and 7. Since the language in these paragraphs is confusing, they have been deleted.

COMMENT: EPA commented that proposed changes may allow sources that were once subject to the rule to be exempt—a violation of EPA's once-in/always-in requirement for RACT applicability and "RACT first" policy.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has revised subsection (1)(B) as a result of other comments. The purpose of this amendment is only to remove the erroneous applicability formula and to restructure the rule for consistency with standard rule organization format. No changes are being made to applicability. Since affected sources after

this rule amendment will be the same as before this rule amendment, the concerns of this comment have also been addressed.

10 CSR 10-2.340 Control of Emissions From Lithographic Printing Installations

(1) Applicability.

(B) This regulation shall apply to installations that have calculated actual volatile organic compound (VOC) emissions for a known number of crewed hours, increased by the amount by weight of VOCs whose emission into the atmosphere is prevented by the use of air pollution control devices and extrapolated to eight thousand seven hundred sixty (8,760) hours per year equal to or greater than one hundred (100) tons per year from offset lithographic printing presses after December 9, 1991. The following factors shall be taken into consideration unless an alternative method is approved by the director:

1. The installation shall assume fifty percent (50%) of the solvent used for cleanup is retained in the rag(s) when the used solvent-laden rag(s) are cleaned or disposed of. The installation must demonstrate to the director that the solvents are not evaporated into the air when the waste rags are properly cleaned and disposed of;

2. The installation shall assume forty percent (40%) of the heat-set ink oils stay in the paper web;

3. The installation shall assume no VOCs are emitted from the inks used in sheet-fed presses and nonheatset web presses; and

4. The installation may assume that fifty percent (50%) of the alcohol from the fountain solution is emitted from the dryer.

**Title 10—DEPARTMENT OF
NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.350 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2003 (28 MoReg 141–149). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received comments from Associated Electric Cooperative, Inc. (AECI), U.S. Environmental Protection Agency (EPA), Ameren Services (AmerenUE), and Central Electric Power Cooperative (CEPC).

COMMENT: During public hearing one of the commissioners commented that the language in subsection (1)(C) withdraws exemptions for one calendar year when certain upset conditions occur. It was suggested that the director discretion allow the exemption to still apply without referring to a definitive period of time.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment and for further clarification, the language in subsection (1)(C) has been modified.

COMMENT: EPA commented that the compliance date delay from 2003 to 2004 may represent a relaxation to the existing requirement.

EPA stated that the department must demonstrate that this proposed delay would not interfere with any applicable requirement concerning attainment and reasonable further progress pursuant to section 110(l) of the Clean Air Act.

RESPONSE: While the new compliance date of 2004 is an extension for utility industry to comply with the state rule, the department's Air Pollution Control Program did not rely on the existing rule to attain the standard. In addition, there has yet to be an enforceable emission reduction from the existing rule which would interfere with air quality standard. Therefore, the compliance date delay will not interfere with any applicable requirements concerning attainment and reasonable further progress. In fact, the rule amendment will achieve further and considerable nitrogen oxides (NO_x) emission reduction in the St. Louis nonattainment area. Therefore, no wording changes have been made to the proposed amendment as a result of this comment.

COMMENT: EPA commented that by requiring the utility industry to demonstrate compliance at the 0.18 lb/mmBtu emission level but then allowing them to generate credits for that portion of the emission reductions between 0.25 and 0.18 lb/mmBtu the rule appears to have created marketable emission credits where none should be allowed.

RESPONSE: The NO_x emission allowances will be based on the emission limitation of 0.18 lb/mmBtu and not 0.25 lb/mmBtu consistent with EPA's Draft Federal Economic Incentive Policy. However, for the purpose of generating early reduction credits (ERCs), the department's Air Pollution Control Program accepted the workgroup's suggestion to continue with the existing rule methodology when generating ERCs. It is important to note that all ERCs generated will be retired after the 2005 ozone season. In other words, these ERCs will not be available for trading after the 2005 ozone season. Therefore, no wording changes have been made to the proposed amendment as a result of this comment.

COMMENT: AECE commented that they support the delay in the implementation date postponing compliance until the 2004 ozone season. AECE stated that the 2004 compliance date is consistent with the implementation of EPA's NO_x SIP call.

RESPONSE: The department's Air Pollution Control Program agrees that the implementation date is delayed for the same reason. This extension will also allow additional time for compliance pending EPA's final decisions on the NO_x SIP call for Missouri. Therefore, no wording changes have been made to the proposed amendment as a result of this comment.

COMMENT: AECE commented that they supported the inclusion of an alternative emission rate of 0.68 lbs NO_x /mmBtu for affected sources committed to burning a tire-derived fuel.

RESPONSE: Missouri state statute 260.270, RSMo establishes a NO_x emission limit for any coal-fired cyclone boiler that burns tire-derived fuel. This emission limit is consistent with 0.68 lbs NO_x /mmBtu heat input emission rate in this proposed rule amendment. Therefore, no wording changes have been made to the proposed amendment as a result of this comment.

COMMENT: AECE does not support the concept of a 50% set-aside of the ERC. AECE recommended 5% of the ERC in a set-aside account.

RESPONSE: ERCs are NO_x emission reductions in the years 2000, 2001, 2002 and 2003 that are below the limits specified in subsection (3)(A). Any unit generating emission reductions during this period will automatically be credited with 50% of the ERC generated. The remaining 50% will be deposited in a set-aside account. Half of the amount in the set-aside account will be available for a unit that is in research and development or trial stages for new air pollution control technology. The remaining ERCs in the set-aside account including ERCs that are not used for new air pollution con-

trol technology will be sold in order of request. This 50% set-aside account was recommended by the workgroup to assure availability of NO_x allowances for others to purchase from the owner of the credits. Therefore, no wording changes have been made to the proposed amendment as a result of this comment.

COMMENT: AECE commented that the set asides not purchased should go back to original owners.

RESPONSE: Subpart (3)(B)5.C.(VIII)(i) of the revised rule indicates that any ERC allowances remaining in the compliance set-aside account after May 1, 2004, will be returned to the unit that generated the ERCs by May 15, 2004. Therefore, no wording changes have been made to the proposed amendment as a result of this comment.

COMMENT: AECE and CEPC commented that market and not the department should establish the price for ERC.

RESPONSE: The department will set the market rate for ERCs and not the NO_x allowances. The workgroup requested that the market rate be set at a value of \$500 or above but not to exceed \$1000 per ERC. No wording changes have been made to the proposed amendment as a result of this comment.

COMMENT: CEPC commented that the cross-references to sections and subsections are difficult to follow. The streamlining of rules in this regard would certainly afford the regulated community a better opportunity to understand both the regulations and the compliance requirements.

RESPONSE: The department's Air Pollution Control Program understands that the rule is complex. Members of the regulated community participated in drafting the rule during numerous workgroup meetings. Some flow charts were developed to make this rule easier to understand—when the original rule was developed. The department's Air Pollution Control Program will update these flow charts and make them available. Therefore, no wording changes have been made to the proposed amendment as a result of this comment.

COMMENT: CEPC commented that there is no language in the rule that discusses the consequences should a unit fail to have sufficient allowances.

RESPONSE: It is the responsibility of the operator to ensure that an electric generating unit (EGU) is in compliance with the emission limitations set forth in subsection (3)(A). NO_x allowances or ERC may be utilized as alternative means of compliance. Violations of a state rule will be handled in accordance with state law 643.080 and 643.085, RSMo. Therefore, no wording changes have been made to the proposed amendment as a result of this comment.

COMMENT: CEPC commented that the published revision to subsection (3)(A) of the rule removes the Chamois Unit 2 NO_x emission limits that currently exist. Implementation of NO_x controls would be a significant financial burden in their mission to provide low cost electrical power to rural Missourians.

RESPONSE AND EXPLANATION OF CHANGE: Due to the changes made regarding cyclone boilers that burn tire-derived fuel, the emission limitation on cyclone boilers that do not burn tire-derived fuel in the western 2/3 was mistakenly left out of subsection (3)(A). The current rule contains an emission limitation of 0.35 lb/mmBtu for all EGUs, including cyclone boilers. Therefore, the proposed amendment restated the emission limitation of 0.35 lb/mmBtu for cyclone boilers in paragraphs (3)(A)3. and (3)(A)4.

COMMENT: CEPC commented that the statement in part (3)(B)2.C.(I) regarding the recording of the NO_x allowances in the unit compliance account should be clarified in the context of part (3)(B)3.B.(II) which deals with the NO_x allowance credits and distribution.

RESPONSE AND EXPLANATION OF CHANGE: The NO_x allowances will be credited as soon as NO_x allowances are verified

by the department's Air Pollution Control Program. The actual allowances will be issued by November 15 of each period. Allowances will be credited or recorded in the unit compliance account prior to issuance. Part (3)(B)3.B.(II) was amended as a result of this comment.

COMMENT: CEPC raised questions regarding the purpose of the projected NO_x allowances and the utilization of such data. CEPC asked what the projected NO_x allowance would be used for and who the summary would be distributed to.

RESPONSE: The workgroup's rationale for the projected NO_x allowance report is to allow the utility industry to plan for the first ozone season. It will identify the sources that might generate extra allowances for trading as well as identify those sources who might need to buy allowances in order to comply. After 2004, the report will be based on actual data from the previous year. The department's Air Pollution Control Program will review the information for completeness and proper calculation. Once the information is complete and calculations are verified, it will be made available to facilities requiring NO_x allowances. Therefore, no wording changes have been made to the proposed amendment as a result of this comment.

COMMENT: CEPC stated that the phrase — truncated down — is incorrect. The result of Equation 3 should be either truncated or rounded down.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program agrees. As a result of this comment, the term—truncated down—was replaced with rounded down in part (3)(B)4.B.(III). in the variable explanation for Equation 3.

COMMENT: CEPC commented that subparagraph (3)(B)5.C. makes reference to early reduction allowances and early reduction credits. For consistency, they should be called the same thing particularly since—early reduction allowances—is not defined in the definitions section.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program agrees. As a result of this comment, subparagraph (3)(B)5.C has been corrected for consistency.

COMMENT: CEPC and AmerenUE commented that subparts (3)(B)5.C.(VIII)(e) and (f) referencing February 1, 2003 and April 15, 2003 appear to be incorrect.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program agrees. As a result of this comment, the year has been changed from 2003 to 2004 in this subpart.

COMMENT: CEPC raised questions regarding the purpose of the overdraft account and how and when credits are deposited.

RESPONSE: Account representatives will have one overdraft account that will be used to transfer allowances for one or more unit compliance accounts. No wording changes have been made to the proposed amendment as a result of this comment.

COMMENT: CEPC commented that the references to subsection (5)(G) in Equation 7 no longer apply. The correct reference should be subsection (5)(F).

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program agrees. As a result of this comment, the subsection (5)(G) reference was changed to (5)(F).

COMMENT: CEPC commented that subparagraph (3)(B)8.C. which made reference to (3)(B)9.A. appears to be incorrect.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program agrees. As a result of this comment, the reference has been changed to (3)(B)7. instead of (3)(B)9.A.

COMMENT: CEPC questioned if there are any reasons a transfer would not be recorded other than an incomplete or incorrect format on the transfer request?

RESPONSE: The department's Air Pollution Control Program does not foresee any reason a transfer would not be recorded provided they meet the requirements of paragraph (3)(B)7. Therefore, no wording changes have been made to the proposed amendment as a result of this comment.

COMMENT: AmerenUE commented that subpart (3)(B)5.C.(VIII)(a) includes a reference to part (3)(B)5.C.(II) regarding the methodology for issuance of ERCs. It appears that the reference should be to part (3)(B)5.C.(IV) that includes the ERC methodology.

RESPONSE: The department's Air Pollution Control Program believes the reference as written in subpart (3)(B)5.C.(VIII)(a) is necessary for issuance of ERCs. This reference includes a reference to part (3)(B)5.C.(IV). Therefore, no wording changes have been made to the proposed amendment as a result of this comment.

COMMENT: AmerenUE suggested that the language in subpart (3)(B)5.C.(VIII)(b) be changed to more clearly state that ERCs that are not needed by the demonstration units can be sold to other units. The new suggested language was: If less than 50% of the ERCs are needed for these units, the remainder will be sold in accordance with subpart (3)(B)5.C.(VIII)(c) of this rule.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program agrees. As a result of this comment, subpart (3)(B)5.C.(VIII)(b) has been changed to replace all fifty percent with less than fifty percent.

COMMENT: AmerenUE commented that the cost to install low NO_x burners on Meramec units 1 and 2 in order to meet the lower NO_x limitations imposed by the amended rule is approximately \$20,460,000. In addition to the low NO_x burners, AmerenUE has budgeted \$1,570,000 for projects aimed to further NO_x emission reductions at the Sioux plant. The total estimated cost of the proposed amendments to AmerenUE is \$22,030,000.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the fiscal note was revised.

10 CSR 10-6.350 Emission Limitations and Emissions Trading of Oxides of Nitrogen

(1) Applicability.

(C) Loss of Exemption. If the exemption limit in paragraph (1)(B)1. or (1)(B)2. of this rule is exceeded, the exemption shall not apply and the owner or operator must notify the staff director or designee within thirty (30) days. If the owner or operator can demonstrate to the staff director or designee that the exemption limit was exceeded due to emergency operations or uncontrollable circumstances, the exemption in paragraph (1)(B)1. or (1)(B)2. of this rule shall apply.

(3) General Provisions.

(A) NO_x Emissions Limitations. Beginning May 1, 2004, the following NO_x emission rates shall apply:

1. EGUs located in the counties of Bollinger, Butler, Cape Girardeau, Carter, Clark, Crawford, Dent, Dunklin, Gasconade, Iron, Lewis, Lincoln, Madison, Marion, Mississippi, Montgomery, New Madrid, Oregon, Pemiscot, Perry, Phelps, Pike, Ralls, Reynolds, Ripley, St. Charles, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard, Warren, Washington and Wayne, shall limit emissions of NO_x to the more stringent of a rate of 0.25 lbs NO_x /million British thermal units per hour (mmBtu) of heat input during the control period or any applicable permitted NO_x limitation under 10 CSR 10-6.060.

2. EGUs located in the City of St. Louis and the counties of Franklin, Jefferson and St. Louis shall limit emissions of NO_x to the more stringent rate of 0.18 lbs NO_x /mmBtu of heat input during the control period, or any applicable permitted NO_x limitation under 10 CSR 10-6.060. For the purpose of calculating ERCs under subparagraph (3)(B)5.C. of this rule, the regulated NO_x emission rate (NO_xER_p) for units located in these areas shall be 0.25 lbs NO_x /mmBtu.

3. EGUs located in the counties of Buchanan, Jackson, Jasper, or Randolph shall limit emissions of NO_x to the more stringent rate of any applicable permitted NO_x limitation under 10 CSR 10-6.060 or the less stringent of:

A. 0.35 lbs NO_x /mmBtu of heat input during the control period; or

B. 0.68 lbs NO_x /mmBtu of heat input during the control period, provided that the unit is a cyclone EGU and burns tire-derived fuel in a quantity of at least one hundred thousand (100,000) PTEs per year. For installations with multiple cyclone EGUs, compliance with the one hundred thousand (100,000) PTE burned per year may also be based on the average number of PTEs burned per cyclone EGU.

4. EGUs located in any county not identified in paragraph (3)(A)1., (3)(A)2., or (3)(A)3. of this rule shall limit emissions of NO_x to the more stringent of a rate of 0.35 lbs NO_x /mmBtu of heat input during the control period or any applicable permitted NO_x limitation under 10 CSR 10-6.060.

5. In lieu of complying with the applicable emission limitations in paragraph (3)(A)1. through (3)(A)4. of this rule, any affected unit may comply through the NO_x emissions trading program under subsection (3)(B) of this rule.

(B) NO_x Emissions Trading Program.

1. NO_x authorized account representative. The NO_x authorized account representative shall have the responsibilities and meet the requirements identified in this subsection.

A. Each affected unit shall have only one NO_x authorized account representative with respect to all matters under the NO_x trading program. Each affected unit may have only one (1) alternate NO_x authorized account representative who may act on behalf of the NO_x authorized account representative.

B. A NO_x authorized account representative may be responsible for multiple units at an installation or within a system of installations with the same owner.

C. The department will act on a valid submission made on behalf of owners or operators of an affected unit only if the submission has been made, signed and certified by the NO_x authorized account representative or the alternate NO_x authorized account representative.

D. Each unit must submit an account certificate of representation no later than January 1, 2004 or December 31 of the year in which the rule becomes applicable for units installed after January 1, 2004.

2. NO_x allowance tracking system.

A. NO_x allowance tracking system accounts. The department will establish one (1) compliance account for each NO_x unit and one (1) overdraft account for each NO_x authorized account representative with one (1) or more NO_x units. Allocations of NO_x allowances pursuant to paragraphs (3)(B)3. or (3)(B)10. of this rule and deductions or transfers of NO_x allowances pursuant to paragraphs (3)(B)3., (3)(B)7., (3)(B)9., or (3)(B)10. of this rule will be recorded in the compliance accounts or overdraft accounts.

B. Establishment of accounts.

(I) Compliance accounts and overdraft accounts. Upon receipt of a complete account certificate of representation, the department will establish—

(a) A compliance account for each affected NO_x unit for which the account certificate of representation was submitted; and

(b) An overdraft account for each NO_x authorized account representative for which the account certificate of representation was submitted.

(II) Account identification. The department will assign a unique identifying number to each compliance account and each overdraft account.

C. Recording of NO_x allowance allocations.

(I) The department will record the NO_x allowances for the 2004 control period in the NO_x units' compliance accounts.

(II) Serial numbers for allocated NO_x allowances. The department will assign each NO_x allowance a unique identification number that will include digits identifying the year for which the NO_x allowance is allocated.

3. NO_x allowances.

A. Projected NO_x allowances.

(I) By March 1, 2004, the NO_x authorized account representative for each affected unit shall submit to the department a report containing the following:

(a) The projected control period NO_x emission rate for each affected unit;

(b) The average of the three (3) most recent control period heat inputs, unless those three (3) periods are not representative of normal operation; and

(c) A plan identifying the methodology for compliance with subsection (3)(A) of this rule.

(II) The department will review each report and make any amendments within fifteen (15) working days.

(III) The department will develop a summary of projected NO_x allowances on a unit by unit and statewide basis for distribution on or before May 1 of each year using Equation 1 of this rule.

Equation 1:

$$\frac{\text{HI}_p \times \text{ER}_p}{2000} = \text{NO}_x\text{AL}_p$$

where:

HI_p = the projected control period heat input for each NO_x unit;

ER_p = the projected control period emission rate for each NO_x unit; and

NO_xAL_p = the projected NO_x allowance for each NO_x unit rounded down to the nearest ton (in tons).

B. Control period NO_x allowances.

(I) By October 31 following each control period, each NO_x authorized account representative shall submit to the department the actual total control period heat input and actual average emission rate in a compliance report consistent with requirements of section (4) of this rule for each affected NO_x unit.

(II) By November 15 following each control period, the department will issue a notice to each NO_x authorized account representative of the actual NO_x allowances recorded in the unit compliance account for each affected NO_x unit using Equation 2 of this rule.

Equation 2:

$$\frac{\text{HI}_a \times \text{ER}_r}{2000} = \text{NO}_x\text{AL}_a$$

where:

HI_a = the actual control period heat input for each NO_x unit;

ER_r = the allowable control period emission rate for each NO_x unit as determined in paragraphs (3)(A)1. through (3)(A)4. of this rule; and

NO_xAL_a = the actual NO_x allowance for each unit for the control period rounded down to the nearest ton (in tons).

4. Compliance. By the end of the NO_x allowance transfer deadline, each NO_x unit shall have sufficient NO_x allowances in their compliance account to allow for the deductions in subparagraph (3)(B)4.B. of this rule.

A. NO_x allowance transfer deadline. The NO_x allowances are available to be deducted for compliance with a unit's NO_x emissions limitation for a control period in a given year only if the NO_x allowances—

(I) Were allocated for a control period in a prior year or the same year; and

(II) Are held in the unit's compliance account or the unit's overdraft account as of the NO_x allowance transfer deadline for that control period.

B. Deductions for compliance.

(I) The director will deduct NO_x allowances to cover the unit's NO_x emissions for the control period—

(a) From the compliance account; and

(b) Only if no more NO_x allowances available under subparagraph (3)(B)4.A. of this rule remain in the compliance account, from the overdraft account. In deducting allowances for units from the overdraft account, the director will begin with the unit having the compliance account with the lowest NO_x Allowance Tracking System account number and end with the unit having the compliance account with the highest NO_x Allowance Tracking System account number.

(II) The director will deduct NO_x allowances until the number of NO_x allowances deducted for the control period equals the number of tons of NO_x emissions, determined in accordance with part (3)(B)4.B.(III) of this rule, from the unit for the control period for which compliance is being determined; or until no more NO_x allowances available under subparagraph (3)(B)4.A. of this rule remain in the respective account.

(III) For a NO_x unit that is allocated NO_x allowances under part (3)(B)3.B.(II) of this rule for a control period, the department will deduct NO_x allowances under subparagraph (3)(B)4.B. or (3)(B)4.E. of this rule to account for the actual utilization of the unit during the control period. The department will calculate the number of NO_x allowances to be deducted to account for the unit's actual utilization using Equation 3 of this rule.

Equation 3:

$$\sum HI_a \times ER_a = NO_x AL_d$$

where:

HI_a = the actual control period heat input for each NO_x unit;

ER_a = the actual control period emission rate for each NO_x unit; and

NO_x AL_d = the number of NO_x allowances that will be deducted from each NO_x unit's compliance account (rounded down to the nearest allowance).

C. Identification of NO_x allowances by serial number.

(I) The NO_x authorized account representative may identify by serial number the NO_x allowances to be deducted from the unit's compliance account under subparagraph (3)(B)4.B., (3)(B)4.D., or (3)(B)4.E. of this rule. Such identification will be made in the compliance certification report submitted in accordance with paragraph (4)(A)1. of this rule.

(II) The staff director will deduct NO_x allowances for a control period from the compliance account, in the absence of an identification or in the case of a partial identification of NO_x allowances by serial number under part (3)(B)4.C.(I) of this rule, or the overdraft account in the following order:

(a) Those NO_x allowances that were allocated for the control period to the unit under part (3)(B)3.B.(II) of this rule;

(b) Those NO_x allowances that were allocated for the control period to any unit and transferred and recorded in the account pursuant to paragraphs (3)(B)7. and (3)(B)8. of this rule, in order of their date of recording;

(c) Those NO_x allowances that were allocated for a prior control period to the unit under part (3)(B)3.B.(II) of this rule; and

(d) Those NO_x allowances that were allocated for a prior control period to any unit and transferred and recorded in the account pursuant to paragraphs (3)(B)7. and (3)(B)8. of this rule, in order of their date of recording.

D. Deductions for units sharing a common stack. In the case of units sharing a common stack and having emissions that are not separately monitored or apportioned in accordance with section (4) of this rule—

(I) The NO_x authorized account representative of the units shall identify the percentage of NO_x allowances to be deducted from each such unit's compliance account to cover the unit's share of NO_x emissions from the common stack for a control period. Such identification shall be made in the compliance certification report submitted in accordance with paragraph (4)(A)1. of this rule.

(II) Notwithstanding part (3)(B)4.B.(II) of this rule, the director will deduct NO_x allowances for each unit until the number of NO_x allowances deducted equals the unit's identified percentage (under part (3)(B)4.D.(I) of this rule) of the number of tons of NO_x emissions, as determined in accordance with section (4) of this rule, from the common stack for the control period for which compliance is being determined or, if no percentage is identified, an equal percentage for each unit, plus the number of allowances required for deduction to account for actual utilization under subparagraph (4)(A)1.G. of this rule for the control period.

E. The director will record in the appropriate compliance account or overdraft account all deductions from such an account pursuant to subparagraphs (3)(B)4.B. and (3)(B)4.D. of this rule.

5. Banking.

A. NO_x allowances may be banked for future use or transfer into a compliance account or an overdraft account, as follows:

(I) Any NO_x allowance that is held in a compliance account or an overdraft account, will remain in such account until the NO_x allowance is deducted or transferred under paragraphs (3)(B)4., (3)(B)5., (3)(B)6., or (3)(B)7. of this rule.

(II) The director will designate, as a banked NO_x allowance, any NO_x allowance that remains in a compliance account or an overdraft account after the director has made all deductions for a given control period from the compliance account or overdraft account pursuant to paragraph (3)(B)4. of this rule.

B. Each year, starting in 2005, after the director has completed the designation of banked NO_x allowances under part (3)(B)5.A.(II) of this rule and before May 1 of the year, the department will determine the extent to which banked NO_x allowances may be used for compliance in the control period for the current year, as follows:

(I) The director will determine the total number of banked NO_x allowances held in compliance accounts or overdraft accounts.

(II) If the total number of banked NO_x allowances determined, under part (3)(B)5.B.(I) of this rule, to be held in compliance accounts or overdraft accounts is less than or equal to ten percent (10%) of the sum of the NO_x trading program allocations for the previous control period, any banked NO_x allowance may be deducted for compliance in accordance with paragraph (3)(B)4. of this rule.

(III) If the total number of banked NO_x allowances determined, under part (3)(B)5.B.(I) of this rule, and held in compliance accounts or overdraft accounts exceeds ten percent (10%) of the sum of the state trading program allocations for the previous control period, any banked allowance may be deducted for compliance in accordance with paragraph (3)(B)4. of this rule, except as follows:

(a) The director will determine the adjustment factor using Equation 4 of this rule.

Equation 4:

$$AF = \frac{0.1 \times \sum NO_x AL_a}{\sum NO_x AL_b}$$

where:

AF = the adjustment factor;

$\sum NO_x AL_a$ = the sum of the statewide NO_x allowance allocated for the previous control period; and

$\sum NO_x AL_b$ = the sum of the banked NO_x allowances as determined under part (3)(B)5.B.(I) of this rule on January 1 of the current year;

(b) The director will determine the number of banked NO_x allowances in the account that may be deducted for compliance in accordance with paragraph (3)(B)4. of this rule using Equation 5 of this rule. Any banked NO_x allowances in excess of the product of Equation 5 may be deducted for compliance in accordance with paragraph (3)(B)4. of this rule, except that, if such NO_x allowances are used to make a deduction, two (2) such NO_x allowances must be deducted for each deduction of one (1) NO_x allowance required under paragraph (3)(B)4. of this rule.

Equation 5:

$$AF \times NO_x AL_b$$

where

AF = the adjustment factor calculated in Equation 4; and

$NO_x AL_b$ = the number of NO_x allowances in a NO_x unit's account;

(IV) Geographic flow control.

(a) Banked NO_x allowances made available for use in parts (3)(B)5.B.(II) and (3)(B)5.B.(III) of this rule may be traded on a one to one (1:1) basis unless otherwise specified in subparts (3)(B)5.B.(IV)(b) and (3)(B)5.B.(IV)(c) of this rule.

(b) Banked NO_x allowances made available for use in parts (3)(B)5.B.(II) and (3)(B)5.B.(III) of this rule may be traded from the control region for which paragraphs (3)(A) 3. and (3)(A)4. of this rule are applicable to the control region for which paragraph (3)(A)1. of this rule is applicable on a one and one-half to one (1.5:1) basis.

(c) Banked NO_x allowances made available for use in part (3)(B)5.B.(II) and (3)(B)5.B.(III) of this rule may be traded from the control region for which paragraphs (3)(A)1., (3)(A)3. and (3)(A)4. of this rule are applicable to the control region for which paragraph (3)(A)2. of this rule is applicable on a one and one-half to one (1.5:1) basis.

C. Early reductions. For any affected NO_x unit that reduces its NO_x emission rate in the 2000, 2001, 2002 or 2003 control period, the owner or operator of the unit may request early reduction credits, and the department will allocate ERCs by January 31 of each year to the unit in accordance with the following requirements.

(I) Each NO_x unit for which the owner or operator requests any ERCs under part (3)(B)5.C.(IV) of this rule shall monitor NO_x emissions in accordance with section (4) of this rule for each control period for which such ERCs are requested. The unit's monitoring system availability shall be not less than ninety percent (90%) during the control period, and the unit must not have been found to be in violation of any applicable state or federal emissions or emissions-related requirements.

(II) NO_x emission rate and heat input under parts (3)(B)5.C.(III) through (3)(B)5.C.(V) of this rule shall be determined in accordance with section (4) of this rule.

(III) Each NO_x unit for which the owner or operator requests any ERCs under part (3)(B)5.C.(IV) of this rule shall reduce its NO_x emission rate, for each control period for which ERCs are requested, to less than the applicable requirement of subsection (3)(A) of this rule.

(IV) The NO_x authorized account representative of a NO_x unit that meets the requirements of parts (3)(B)5.C.(I) and (3)(B)5.C.(III) of this rule may submit to the department a request

for ERCs for the unit based on NO_x emission rate reductions made by the unit in the control period for 2000, 2001, 2002 or 2003 in accordance with part (3)(B)5.C.(III) of this rule.

(a) In the ERC request, the NO_x authorized account representative may request ERCs for such control period using Equation 6 of this rule.

Equation 6:

$$ERC = HI_a \times (NO_x ER_t - NO_x ER_a) \div 2000$$

where:

ERC = the ERCs accrued rounded down to the nearest ton of NO_x ;

HI_a = the actual control period heat input for each NO_x unit;

$NO_x ER_t$ = the regulated NO_x emission rate as identified in paragraphs (3)(A)1. through (3)(A)4. of this rule; and

$NO_x ER_a$ = the actual control period emission rate for each NO_x unit.

(b) The ERC request must be submitted, in a format specified by the department, by October 31 of the year in which the NO_x emission rate reductions are made.

(V) The department will allocate NO_x allowances no later than January 31 to NO_x units meeting the requirements of parts (3)(B)5.C.(I) and (3)(B)5.C.(III) of this rule and covered by early reduction requests meeting the requirements of subpart (3)(B)5.C.(IV)(b) of this rule.

(VI) NO_x allowances recorded under part (3)(B)5.C.(V) of this rule may be deducted for compliance under paragraph (3)(B)3. of this rule for the control periods in 2004 or 2005. Notwithstanding subparagraph (3)(B)5.A. of this rule, the director will deduct as retired any NO_x allowance that is recorded under part (3)(B)5.C.(V) of this rule and is not deducted for compliance in accordance with paragraph (3)(B)3. of this rule for the control period in 2004 or 2005.

(VII) NO_x allowances recorded under part (3)(B)5.C.(V) of this rule are not treated as banked allowances in 2005 for the purposes of subparagraphs (3)(B)5.A. and (3)(B)5.B. of this rule.

(VIII) Compliance set-aside account.

(a) The department will establish a compliance set-aside account, which will contain fifty percent (50%) of the ERCs, rounded down to the nearest ton, that are issued in accordance with part (3)(B)5.C.(II) of this rule.

(b) Fifty percent (50%) of the ERCs, rounded down to the nearest ton, in the compliance set-aside account will be sold to the NO_x authorized account representatives that apply for the ERCs and can demonstrate that the ERCs will be used for compliance by a unit that is in a research, development or trial stage for new air pollution control technology. If less than fifty percent (50%) of the ERCs are needed for these units, the remainder will be sold in accordance with subpart (3)(B)5.C.(VIII)(c) of this rule.

(c) The remaining ERCs in the compliance set-aside account will be sold in the order of request.

(d) NO_x authorized account representatives must request all of the ERCs needed from the compliance set-aside account for the 2004 and 2005 control periods by February 28, 2004. The request for ERCs shall include the following information:

I. The owner and operator;

II. The NO_x authorized account representative;

III. The NO_x unit identification number and name;

IV. The number of ERCs being requested; and

V. The overdraft or compliance account number.

(e) The department shall set the market rate for ERCs by February 1, 2004. Market rate shall not be set at a value below five hundred dollars (\$500) per ERC nor in excess of one thousand dollars (\$1,000) per ERC, and shall be established based on the following in the order listed:

I. The average rate of exchange of NO_x credits and ERCs in the Missouri NO_x Emissions Trading Program; and

II. The most recent control cost data available.

(f) The department shall notify the successful purchasers of ERCs by April 1, 2004 and payment shall be made by the purchaser to the sellers by April 15, 2004 for ERCs purchased. Once payment has been received by the sellers, they shall notify the department and the appropriate ERCs shall be transferred to the appropriate account by May 1, 2004.

(g) The ERCs will be sold from the compliance set-aside account on a percentage basis. Each purchaser will purchase a portion of each seller's ERCs.

(h) Once the appropriate ERCs are transferred to the purchaser's account, the ERCs are non-transferrable.

(i) Any ERC allowances remaining in the compliance set-aside account after May 1, 2004, will be returned to the unit that generated the ERCs by May 15, 2004.

(IX) All ERCs will be retired on January 31, 2006.

6. Account error. The director may correct any error in any NO_x Allowance Tracking System account. Within ten (10) business days of making such correction, the director will notify the NO_x authorized account representative for the account. The NO_x authorized account representative will then have ten (10) business days to appeal the correction if they feel the correction was made in error.

7. NO_x allowance transfers. The NO_x authorized account representatives seeking the recording of a NO_x allowance transfer shall submit the transfer request to the director. To be considered correctly submitted, the NO_x allowance transfer shall include the following elements in a format specified by the director:

A. The numbers identifying both the transferor and transferee accounts;

B. A specification by serial number of each NO_x allowance to be transferred; and

C. The printed name and signature of the NO_x authorized account representative of the transferor account and the date signed.

8. Department recording.

A. Within five (5) business days of receiving a NO_x allowance transfer, except as provided in subparagraph (3)(B)9.B. of this rule, the department will record a NO_x allowance transfer by moving each NO_x allowance from the transferor account to the transferee account as specified by the request, provided that—

(I) The transfer is correctly submitted under paragraph (3)(B)8. of this rule;

(II) The transferor account includes each NO_x allowance identified by serial number in the transfer; and

(III) The transfer meets all other requirements of this paragraph.

B. A NO_x allowance transfer that is submitted for recording following the NO_x allowance transfer deadline and that includes any NO_x allowances allocated for a control period prior to or the same as the control period to which the NO_x allowance transfer deadline applies will not be recorded until after completion of the process of recording of NO_x allowance allocations of this rule.

C. Where a NO_x allowance transfer submitted for recording fails to meet the requirements of subparagraph (3)(B)7. of this rule, the department will not record such transfer.

9. Notification.

A. Notification of recording. Within five (5) business days of recording of a NO_x allowance transfer under paragraph (3)(B)8. of this rule, the department will notify each NO_x authorized account representative of the transfer in writing.

B. Notification of nonrecording. Within ten (10) business days of receipt of a NO_x allowance transfer that fails to meet the requirements of paragraph (3)(B)7. of this rule, the department will notify in writing the NO_x authorized account representatives of both accounts subject to the transfer of—

(I) A decision not to record the transfer; and

(II) The reasons for such nonrecording.

10. Individual EGU opt-ins. An EGU that is not an affected unit under subsection (1)(A) of this rule that vents all of its emissions to a stack may qualify to become a NO_x opt-in unit under this paragraph of this rule. A NO_x opt-in unit will not be allowed to participate in the NO_x trading program without prior approval.

A. A NO_x opt-in unit shall have a NO_x authorized account representative.

B. Request for initial NO_x opt-in. In order to request to opt-in to the trading program, the NO_x authorized account representative of the unit must submit to the department at any time the following:

(I) The projected NO_x emission rate for each affected unit;

(II) The average of the three (3) most recent years heat input on a monthly basis over the control period for each affected unit; and

(III) A plan detailing the methodology for compliance with paragraph (3)(B)10. of this rule.

C. The department will review the request and respond within ninety (90) days of the date of receipt of the request.

D. Request for opting-in to the NO_x trading program must be received by the department no later than February 1 of the same year as the control period that the NO_x opt-in unit requests to begin participation in the NO_x trading program.

E. The NO_x opt-in units shall establish a baseline heat input and a baseline NO_x emissions rate under the requirements of subsection (5)(G) of this rule. After calculating the baseline heat input and the baseline NO_x emissions rate for the NO_x opt-in unit, the department will notify the NO_x authorized account representative of the unit of the resulting baseline.

F. The established baseline shall be the regulated NO_x emission rate for the opt-in unit. The NO_x opt-in unit shall meet the same schedule as all NO_x units with respect to all deadlines and schedules. The allowances issued to the opt-in unit under this paragraph shall be calculated using equation 7 of this rule.

Equation 7:

$$\frac{HI_{opt} \times ER_{opt}}{2000} = NO_x AL_{opt}$$

where:

HI_{opt} = the actual control period heat input for the NO_x opt-in unit;

ER_{opt} = the baseline emission rate for the NO_x opt-in unit as determined under subsection (5)(F) of this rule; and

NO_x AL_{opt} = the actual NO_x allowances for the opt-in unit for the control period (in tons).

G. If at any time before the approval of a NO_x opt-in unit, the department determines that the unit does not qualify as a NO_x opt-in unit under this paragraph, the department will issue a denial of the NO_x opt-in request for the unit.

H. Withdrawal of NO_x opt-in request. A NO_x authorized account representative of a unit may withdraw its request to opt-in at any time prior to the approval for the NO_x opt-in unit. Once the request for a NO_x opt-in unit is withdrawn, a NO_x authorized account representative seeking to reapply must submit a new request for a NO_x opt-in unit under this subsection.

I. Effective date. The effective date of the initial NO_x opt-in shall be May 1 of the first control period starting after the approval of the NO_x opt-in unit by the department. The unit shall be a NO_x opt-in unit and an affected NO_x unit as of the effective date of the approval and be subject to the requirements of this rule.

J. Change in regulatory status. When a NO_x opt-in unit becomes an affected unit, the NO_x authorized account representative shall notify the department in writing of such change in the NO_x opt-in unit's regulatory status within thirty (30) days of such change.

K. Withdrawal from NO_x trading program. A NO_x opt-in unit may withdraw from the NO_x trading program if it meets the following requirements:

(I) To withdraw from the NO_x trading program, the NO_x authorized account representative of a NO_x opt-in unit shall submit to the department a request to withdraw effective as of a specified date prior to May 1 or after September 30. The submission shall be made no later than ninety (90) days prior to the requested effective date of withdrawal.

(II) Before a NO_x opt-in unit may withdraw from the NO_x trading program, the following conditions must be met.

(a) For the control period immediately before the withdrawal is to be effective, the NO_x authorized account representative must submit or must have submitted to the department an annual compliance certification report.

(b) If the NO_x opt-in unit has excess emissions for the control period immediately before the withdrawal is to be effective, the department will deduct from the NO_x opt-in unit's compliance account, or the overdraft account of the affected unit where the affected unit is located, the full amount required for the control period.

(III) A NO_x opt-in unit that withdraws from the NO_x trading program shall comply with all requirements under the NO_x trading program concerning all years for which such NO_x opt-in unit was a NO_x opt-in unit, even if such requirements must be complied with after the withdrawal takes effect.

(IV) Notification procedures shall be as follows:

(a) After the requirements for withdrawal under this paragraph have been met, the department will issue a notification to the NO_x authorized account representative of the NO_x opt-in unit of the acceptance of the withdrawal of the NO_x opt-in unit as of a specified effective date that is after such requirements have been met and that is prior to May 1 or after September 30.

(b) If the requirements for withdrawal under this paragraph have not been met, the department will issue a notification to the NO_x authorized account representative of the NO_x opt-in unit that the NO_x opt-in unit's request to withdraw is denied. If the NO_x opt-in unit's request to withdraw is denied, the NO_x opt-in unit shall remain subject to the requirements for a NO_x opt-in unit.

(V) A NO_x opt-in unit shall continue to be a NO_x opt-in unit until the effective date of the withdrawal.

(VI) Once a NO_x opt-in unit withdraws from the NO_x trading program, the NO_x authorized account representative may not submit another application for the NO_x opt-in unit prior to the date that is four (4) years after the date on which the withdrawal became effective.

11. Output based emissions trading of NO_x. *(Reserved)*

REVISED PRIVATE COST: This proposed amendment will cost private entities approximately \$22,030,000 in the aggregate.

REVISED FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 10 – Department of Natural Resources

Division: 10 – Air Conservation Commission

Chapter: 6 – Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 10 CSR 10-6.350 Emission Limitations and Emissions Trading of Oxides of Nitrogen

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1	Electric Generating Facilities	\$22,030,000

III. WORKSHEET

Table 1: Fiscal Impact on NOx Budget Units Affected by Proposed Amendment to 10 CSR 10-6.350

	Total Emission Reductions	FY2004	FY2005	FY2006	FY2007	FY2008
Ameren U.E.	3286 tons	\$367,167	\$2,203,000	\$2,203,000	\$2,203,000	\$2,203,000

FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	TOTAL COST
\$2,203,000	\$2,203,000	\$2,203,000	\$2,203,000	\$2,203,000	\$1,835,333	\$22,030,000

IV. ASSUMPTIONS

1. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be ten (10) years although the duration of the rule is indefinite. If the life of the rule extends beyond ten years, the annual costs for additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.

2. For FY2004 and FY2014 the rule will be effective for only the last two (2) months and the first ten (10) months, respectively.
3. Cost estimates are based on AmerenUE's estimates. The cost to install low NOx burners on Meramec units 1 and 2 in order to meet the lower NOx limitations is estimated to be \$20,460,000. In addition to the low NOx burners, AmerenUE has estimated \$1,570,000 for projects to further NOx emission reductions at the Sioux plant. The total estimated cost of the proposed amendments to AmerenUE is \$22,030,000. The estimated cost per ton of NOx reduction is \$670.4 ($\$22,030,000 / 10 * 3286$ tons). The total costs are spread over the life of the rule.
4. Assume that only facilities in the city of St. Louis and the counties of Franklin, Jefferson and St. Louis will incur any cost as a result of this rule amendment.
5. The date on which affected electric generating units (EGUs) must be in compliance with this regulation is May 1, 2004.
6. NOx reductions are only required during the control period, which is May 1 through September 30.
7. The NOx emission numbers used in this fiscal note for EGUs are not intended to be the actual NOx allowances for each unit. The NOx emission numbers are for cost calculations only and are based on the NOx emissions inventory used in the St. Louis Ozone Nonattainment Area Attainment Demonstration. The actual NOx allowance allocations will be identified by the department as required by this rule.
8. Assume that some EGUs may experience a cost savings as a result of this rule amendment. The cost savings have not been reported to the department and are not reflected in this fiscal note.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 3—Records**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.805 and 313.847, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-3.010 Commission Records is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 3, 2003 (28 MoReg 403-404). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.800 and 313.805, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-5.200 Progressive Slot Machines is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 3, 2003 (28 MoReg 404). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 51—Broker-Dealers, Agents, Investment
Advisers, and Investment Adviser Representatives**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner amends a rule as follows:

**15 CSR 30-51.020 Applications for Registration or Notice
Filings is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 17, 2003 (28 MoReg 561). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner amends a rule as follows:

**15 CSR 30-52.310 Report of Completion of a Registration
Statement is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 18, 2003 (28 MoReg 331). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 54—Exemptions and Federal Covered
Securities**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner amends a rule as follows:

15 CSR 30-54.010 General is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 17, 2003 (28 MoReg 561-562). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 54—Exemptions and Federal Covered
Securities**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner adopts a rule as follows:

**15 CSR 30-54.015 Notice Filings for Investment Companies is
adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 17, 2003 (28 MoReg 562). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 54—Exemptions and Federal Covered
Securities**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner amends a rule as follows:

15 CSR 30-54.060 Stock Exchange Listed Securities is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 17, 2003 (28 MoReg 562). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commissioner of securities received one (1) comment on the proposed amendment.

COMMENT: Charles Potuznik with Dorsey & Whitney requested that the amendment not delete the New York Stock Exchange or the American Stock Exchange from the rule or essentially from the exemption of section 409.402(a)(8) of the Act.

RESPONSE: The deletion of the New York Stock Exchange and the American Stock Exchange from the regulation does not remove the exemption for these listed securities from section 409.402(a)(8) of the Act. Section 409.402(a)(8) specifically includes any security listed or approved for listing on the New York Stock Exchange or the American Stock Exchange. No changes have been made to the rule as a result of this comment.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 54—Exemptions Under Securities Act**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner rescinds a rule as follows:

15 CSR 30-54.070 Not-for-Private Profit Securities is **rescinded**.

A notice of proposed rulemaking containing the text of the proposed rescission was published in the *Missouri Register* on March 17, 2003 (28 MoReg 563). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 54—Exemptions and Federal Covered
Securities**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner adopts a rule as follows:

15 CSR 30-54.070 NASAA Statements of Policy (Exemptions) is **adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 17, 2003 (28 MoReg 563). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 54—Exemptions Under Securities Act**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner rescinds a rule as follows:

15 CSR 30-54.210 Exemption for Certain Transactions Pursuant to Regulation D Under the Securities Act of 1933 is **rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 17, 2003 (28 MoReg 563-564). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 54—Exemptions and Federal Covered
Securities**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner adopts a rule as follows:

15 CSR 30-54.210 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 17, 2003 (28 MoReg 564). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commissioner of securities received one (1) comment on the proposed rule.

COMMENT: Martin R. Miller with Willkie Farr & Gallagher requested that section (3) include a clause such as "unless the securities or transactions would qualify for a self-executing exemption." This change will clarify that a filing would not be required for an offering that was made pursuant to Regulation D that also involved a security or a transaction otherwise exempt under 409.402 of the Act. **RESPONSE AND EXPLANATION OF CHANGE:** Section (3) will be changed to include the statement.

15 CSR 30-54.210 Notice Filings for Transactions under Regulation D, Rules 505 and 506

(3) Notice Filings for Rules 505 and 506. The notice filing required for transactions in Missouri under 17 CFR 230.505 and 17 CFR 230.506, unless the securities or transactions would qualify for a self-executing exemption under section 409.402 of the Act, shall consist of the following:

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 54—Exemptions Under Securities Act**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner withdraws a rescission as follows:

15 CSR 30-54.220 Transaction Exemption for Securities Listed on Certain Quotation Systems **is withdrawn.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 17, 2003 (28 MoReg 564-565). This proposed rescission is withdrawn.

SUMMARY OF COMMENTS: The commissioner of securities received three (3) comments on the proposed rescission.

COMMENT: Martin R. Miller of Willkie Farr & Gallagher, Charles Potuznik of Dorsey & Whitney LLP, and Adrienne Furst noted that the proposed rescission of this rule would have the effect of no longer providing for an exemption for rights or warrants to purchase NASDAQ National Market Securities. The National Securities Markets Improvement Act of 1996 does not cover any security called for by subscription rights or warrants so listed or approved or any right to purchase or subscribe to any of the foregoing.

RESPONSE: As a result, the commissioner is withdrawing this rulemaking.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 59—Registration and Operations of
Commodity Broker-Dealers and Sales Representatives**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner amends a rule as follows:

15 CSR 30-59.020 General Instructions **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 17, 2003 (28 MoReg 565). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 59—Registration and Operations of
Commodity Broker-Dealers and Sales Representatives**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner rescinds a rule as follows:

15 CSR 30-59.050 Broker-Dealer, Sales Representative Statutory Bond **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 17, 2003 (28 MoReg 565). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 59—Registration and Operations of
Commodity Broker-Dealers and Sales Representatives**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner rescinds a rule as follows:

15 CSR 30-59.060 Application for Renewal Registration as Sales Representative **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 17, 2003 (28 MoReg 565). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 59—Registration and Operations of
Commodity Broker-Dealers and Sales Representatives**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.413 and 409.836, RSMo 2000, the commissioner amends a rule as follows:

15 CSR 30-59.170 Effectiveness and Post-Effective Requirements **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 17, 2003 (28 MoReg 565-566). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 11—Rules for Assistive Devices**

ORDER OF RULEMAKING

By the authority vested in the Office of the Attorney General under sections 407.950–407.970, RSMo 2000, the attorney general adopts a rule as follows:

15 CSR 60-11.010 Appointment of Arbitration Firm is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (28 MoReg 331). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 11—Rules for Assistive Devices**

ORDER OF RULEMAKING

By the authority vested in the Office of the Attorney General under sections 407.950–407.970, RSMo 2000, the attorney general adopts a rule as follows:

15 CSR 60-11.020 Notice to Consumers is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (28 MoReg 331–332). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 11—Rules for Assistive Devices**

ORDER OF RULEMAKING

By the authority vested in the Office of the Attorney General under sections 407.950–407.970, RSMo 2000, the attorney general adopts a rule as follows:

15 CSR 60-11.030 Filing for Arbitration is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (28 MoReg 332). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 11—Rules for Assistive Devices**

ORDER OF RULEMAKING

By the authority vested in the Office of the Attorney General under sections 407.950–407.970, RSMo 2000, the attorney general adopts a rule as follows:

15 CSR 60-11.040 Cost of Arbitration is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (28 MoReg 332). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 11—Rules for Assistive Devices**

ORDER OF RULEMAKING

By the authority vested in the Office of the Attorney General under sections 407.950–407.970, RSMo 2000, the attorney general adopts a rule as follows:

15 CSR 60-11.050 Assignment of Arbitrator is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (28 MoReg 333). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 11—Rules for Assistive Devices**

ORDER OF RULEMAKING

By the authority vested in the Office of the Attorney General under sections 407.950–407.970, RSMo 2000, the attorney general adopts a rule as follows:

**15 CSR 60-11.060 Scheduling of Arbitration Hearings
is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (28 MoReg 333). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 11—Rules for Assistive Devices**

ORDER OF RULEMAKING

By the authority vested in the Office of the Attorney General under sections 407.950–407.970, RSMo 2000, the attorney general adopts a rule as follows:

**15 CSR 60-11.070 Request for Additional Information
or Documents is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (28 MoReg 333-334). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 11—Rules for Assistive Devices**

ORDER OF RULEMAKING

By the authority vested in the Office of the Attorney General under sections 407.950-407.970, RSMo 2000, the attorney general adopts a rule as follows:

15 CSR 60-11.080 Representation by Counsel or Third Party is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (26 MoReg 334). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 11—Rules for Assistive Devices**

ORDER OF RULEMAKING

By the authority vested in the Office of the Attorney General under sections 407.950-407.970, RSMo 2000, the attorney general adopts a rule as follows:

15 CSR 60-11.090 Hearing Procedure is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (28 MoReg 334). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 11—Rules for Assistive Devices**

ORDER OF RULEMAKING

By the authority vested in the Office of the Attorney General under sections 407.950-407.970, RSMo 2000, the attorney general adopts a rule as follows:

15 CSR 60-11.100 Accommodations for the Disabled is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (28 MoReg 335). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 11—Rules for Assistive Devices**

ORDER OF RULEMAKING

By the authority vested in the Office of the Attorney General under sections 407.950-407.970, RSMo 2000, the attorney general adopts a rule as follows:

15 CSR 60-11.110 Hearing on Documents Only is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (28 MoReg 335). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 11—Rules for Assistive Devices**

ORDER OF RULEMAKING

By the authority vested in the Office of the Attorney General under sections 407.950-407.970, RSMo 2000, the attorney general adopts a rule as follows:

15 CSR 60-11.120 Defaults is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (28 MoReg 335). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 11—Rules for Assistive Devices**

ORDER OF RULEMAKING

By the authority vested in the Office of the Attorney General under sections 407.950-407.970, RSMo 2000, the attorney general adopts a rule as follows:

15 CSR 60-11.130 Withdrawal or Settlement Prior to Decision is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (28

MoReg 335–336). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 11—Rules for Assistive Devices

ORDER OF RULEMAKING

By the authority vested in the Office of the Attorney General under sections 407.950–407.970, RSMo 2000, the attorney general adopts a rule as follows:

15 CSR 60-11.140 Arbitrator’s Decision is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (28 MoReg 336). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 11—Rules for Assistive Devices

ORDER OF RULEMAKING

By the authority vested in the Office of the Attorney General under sections 407.950–407.970, RSMo 2000, the attorney general adopts a rule as follows:

15 CSR 60-11.150 Record Keeping is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (28 MoReg 336–337). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 11—Rules for Assistive Devices

ORDER OF RULEMAKING

By the authority vested in the Office of the Attorney General under sections 407.950–407.970, RSMo 2000, the attorney general adopts a rule as follows:

15 CSR 60-11.160 Sample “Request For Arbitration” Form is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (28 MoReg 337–338). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

**NOTICE OF LIMITED LIABILITY
COMPANY DISSOLUTION
TO ALL CREDITORS AND CLAIMANTS
AGAINST GHG PROPERTIES, L.L.C.**

On May 30, 2003, **GHG PROPERTIES, L.L.C.** ("L.L.C."), a Missouri Limited Liability Company, filed its Notice Of Winding Up for Limited Liability Company with the Missouri Secretary of State. Any claims against the L.L.C. should be sent to David T. Woods Rosenblum, Goldenherish, Silverstein & Zafft, P.C., 7733 Forsyth Blvd., Suite 400, St. Louis, Missouri 63105. All claims must include the name, address and phone number of the claimant; the amount of the claim; the basis of the claim; and the date the claim arose.

All claims must be received by the L.L.C. within three (3) years after publication of this notice. Any claims not received by that date will be barred.

NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY

**NOTICE OF WINDING UP TO ALL CREDITORS OF AND CLAIMANTS AGAINST
WALLACH FAMILY, LLC, a Missouri limited liability company**

On May 9, 2003, **WALLACH FAMILY, LLC.**, a Missouri limited liability company (hereinafter the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective as of the date of filing by the Secretary of State.

The Company requests that all persons and organizations with claims against it present them immediately, by letter, to the attention of THOMAS W. WEHRLE, GALLOP, JOHNSON & NEUMAN, L.C., 101 South Hanley, 16th Floor, St. Louis, MO 63105. Each claim must include the following information: the name, address and phone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and documentation in support of the claim..

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after publication of this Notice.

NOTICE OF DISSOLUTION OF COMPANY

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST
CENTRAL MISSOURI HEALTH CARE NETWORK, L.L.C., a Missouri limited liability company.

On October 31, 2002, Central Missouri Health Care Network, L.L.C., a Missouri limited liability company (the "Company"), filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. Dissolution was effective on October 31, 2002.

The Company requests that all persons and organizations who have claims against it present them immediately by letter to the Company to the attention of John W. Dillane, Esq., at Greensfelder, Hemker & Gale, P.C., 10 S. Broadway, Suite 2000, St. Louis, Missouri 63102.

All claims must include (i) the name and address of the claimant; (ii) the amount claimed; (iii) the basis for the claim; (iv) the date(s) on which the event(s) on which the claim is based occurred; and (v) any other documentation of the claim.

NOTICE: Pursuant to Section 347.141 RSMo., any claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after publication of the notice.

**OFFICE OF ADMINISTRATION
Division of Purchasing**

BID OPENINGS

Sealed Bids will be received by the Division of Purchasing, Room 630, Truman Building, PO Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: www.moolb.state.mo.us.

B1E03325 Dry Cleaning Equipment 7/15/03
B2Z03052 Internet Dial Access 7/15/03
B3Z03269 Media Relations Training-WMD Domestic
Preparedness 07/15/03
B1Z03326 Food Products: Fish 7/16/03
B1Z03327 Meats-September 7/16/03
B3Z03252 Third Party Administrator-Life Insurance 7/16/03
B1Z03328 Laboratory Supplies, Media, Reagents 7/17/03
B3Z03279 Printing of the 2003 Pocket Part Cumulative Supplement
7/17/03
B3E03257 Pharmacy Services 7/21/03
B3E03272 Medical Consultation Services 7/21/03
B3E03265 Pharmacist Services 7/22/03
B2Z03067 Electronic Monitoring Services 7/24/03
B3E03190 Water Treatment Services 7/24/03
B3Z03254 Petroleum Storage Tank Inspection and Loss Prevention
Services for the Missouri Petroleum Storage Tank
Insurance Fund 7/25/03
B3Z03160 Exhibit Production 8/6/03

It is the intent of the State of Missouri, Division of Purchasing to purchase each of the following as a single feasible source without competitive bids. If suppliers exist other than the ones identified, please call (573) 751-2387 immediately.

1. Workshop for AEL Certified Teachers, "Restoring the Joy to Teaching, Zero Preparation Activities for Multi-Level ESL Classrooms" supplied by Laurel Pollard.
2. QuickVoice Voice Response Software supplied by Advanced Public Safety (APS).

James Miluski, CPPO,
Director of Purchasing

As defined in section 536.026, RSMo Supp. 1998 "an agency may solicit comments from the public on the subject matter of a rule that the agency is considering proposing. The agency may file a notice of the rule under consideration as a proposed rulemaking with the secretary of state for publication in the *Missouri Register* as soon as practicable after the filing thereof in the secretary's office. The notice may contain the number and the subject matter of the rule as well as a statement indicating where, when, and how persons may comment."

This section complies with this statutory requirement to publish rules being considered for proposal by an agency. These rules carry none of the weight of a proposed rule or amendment. Publishing a rule under consideration places no obligation on the agency to promulgate an actual rule in the future. Rules under consideration are reproduced in the format provided by the agency and are not subject to the secretary of state's formatting requirements.

Following is the Text of Rules Under Consideration Submitted by the Department of Mental Health

Title 9—DEPARTMENT OF MENTAL HEALTH Division 45—Division of Mental Retardation and Developmental Disabilities Chapter 5—Standards for Community Based Services

RULE UNDER CONSIDERATION

9 CSR 45-5.105 Definitions for Fire Safety Rules

PURPOSE: This rule establishes definitions for the fire safety rules promulgated under this chapter.

(1) The following terms shall mean:

- (A) Alterations, changes made to the structure or floor plan of the facility by removing or adding walls and doors or adding space;
- (B) Commercial range is any range or stovetop classified as commercial by the manufacturer as or larger in size than a common residential range, equipped with four (4) or more burners/elements and may be equipped with a cooking grill or griddle surface;
- (C) Dead-end is a corridor or hallway with no exit at the end that causes occupants to retrace their path to reach an exit;
- (D) Exit is the portion of a means of egress that is separated from all other areas of the building or structure by construction or equipment required to provide a protected way of travel to the exit discharge. Exits include exterior exit doors, exit passageways, horizontal exits, separated exit stairs, and separated exit ramps;
- (E) Exit access is the portion of a means of egress that leads to an exit;
- (F) Exit discharge is the portion of a means of egress between the termination of an exit and a public way;
- (G) Fire barrier is a structural element, either vertical or horizontal, such as a wall or floor assembly that is designed and constructed with a specified fire resistance rating to limit the spread of fire and restrict the movement of smoke. Such barriers may have protected openings;
- (H) Fire door is a combination of the fire door, frame, hardware and other accessories which together provide a specific degree of fire protection to the opening;
- (I) Fire resistance rating is the length of time in minutes or hours that materials or structural elements can withstand fire exposure;
- (J) Flame resistant material is the property of material or their structural elements that prevents or retards the passage of excessive heat, hot gases, or flames under the conditions in which they are used;
- (K) Flame retardant is a chemical applied to material or other substance that is designed to retard ignition or the spread of fire;
- (L) Home type range is a typical home type cooking stove;
- (M) Interior finish includes the interior wall and ceiling finish, and interior floor finish;
- (N) Level exit discharge is a horizontal plane that is located from the point at which an exit terminates and the exit discharge begins. The horizontal plane shall not vary more than two inches (2") in rise or fall;
- (O) Level is the portion of a building included between the upper surface of a floor and the ceiling above it, or any upper surface of a floor and the ceiling above it that is separated by more than five (5) steps on a stairway;
- (P) Means of egress is a continuous and unobstructed way of travel from any point in a building or structure to a public way. A means of egress consists of three (3) distinct parts: the exit access, the exit, and the exit discharge;
- (Q) Means of escape is a way out of a residential unit that does not conform to the strict definition of means of egress but does meet the intent of the definition by providing an alternative way out of a building;
- (R) Mixed occupancy is when a facility is located in the same building or structure as another occupancy. This may include a business or place of assembly;
- (S) Public way is a street, alley, or other similar parcel of land essentially open to the outside air deeded, dedicated, or otherwise permanently appropriated to the public for public use and having a clear width and height of not less than ten feet (10');;
- (T) Remote exit or means of egress is when two (2) exits or two (2) exit access doors are required. Each exit or exit access door shall be placed at a distance apart equal to at least one-half (1/2) the length of the maximum overall diagonal dimension of the building or area to be used;
- (U) Self-closing means to be equipped with an approved device that will ensure closing after having been opened;
- (V) Smoke barrier is a structural element, either vertical or horizontal, such as a wall, floor, or ceiling assembly that is designed and constructed to restrict the movement of smoke. A smoke barrier may or may not have a fire resistance rating; and

(W) Supervised automatic sprinkler system is a system with the initiating devices monitored by the fire alarm control panel. This may include switches used to monitor the position of valves, a low air pressure switch, a water flow switch, and a tamper switch.

AUTHORITY: section 630.655, RSMo 2000.

PUBLIC COST: This rule under consideration will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This rule under consideration will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this rule under consideration by writing to Donna Haley, Mental Health Manager, Division of Mental Retardation and Developmental Disabilities, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 45—Division of Mental Retardation and Developmental Disabilities
Chapter 5— Standards for Community Based Services**

RULE UNDER CONSIDERATION

9 CSR 45-5.110 Fire Safety for On-Site Day Habilitation

PURPOSE: This rule establishes fire safety requirements for on-site day habilitation funded through the Medicaid home and community-based waiver. The department delegates its authority for fire safety inspections under this rule to the Department of Public Safety, Division of Fire Safety.

(1) General Requirements.

(A) People participating in on-site day habilitation shall be restricted to using the floor of the building that is at ground level exit discharge. Exception: People participating in on-site day habilitation may use the floor below and above the level of exit discharge if the entire building is protected throughout with an approved automatic sprinkler system.

(B) No on-site day habilitation shall be located in the same building as a high hazard occupancy.

(C) The staff of the facility shall conduct at least one (1) fire drill and/or disaster drill at least once a month. The staff shall maintain a written record at the facility of the date, type of drill, time required to evacuate the building and number of occupants present during the drill.

(D) Unscheduled drills shall be held at the state fire marshal inspector's discretion.

(E) During severe weather, fire drills may be postponed.

(F) Each fire drill shall evacuate all persons from the building and shall be conducted as follows:

1. Drills shall simulate an actual fire condition.

2. Occupants and staff members shall not obtain clothing or personal effects after the alarm has sounded.

3. The occupants and staff members shall proceed to a predetermined point outside the building that is sufficiently remote to avoid fire danger, or to a predetermined point inside of the building to defend in place.

4. Occupants and staff members shall remain in place until a recall is issued or until they are dismissed.

(G) No window in a facility shall have bars or any other item placed over it in a stationary manner that would impede a rescue or evacuation attempt.

(H) All flammable/combustible liquids, matches, toxic cleaning supplies, poisonous materials, medicines, or other hazardous items shall be stored so as to be inaccessible to the occupants.

(I) The building numbers shall be plainly visible from the street in case of emergency.

(J) Good housekeeping practices ensuring fire safety will be maintained daily.

(K) Stairways, walks, ramps, and porches shall be kept free of ice and snow.

(L) No fresh-cut Christmas trees shall be used unless they are treated with a flame resistant material. Documentation of the treatment shall be on file at the facility and available for review by the state fire marshal inspector.

(M) The facility shall notify the nearest fire department that the facility is in operation and have required signed documentation (fire department notification form) on file at the facility.

(N) Facilities served by a volunteer or membership fire department shall be a member in good standing with the fire department. A copy of the membership or receipt for membership shall be on file at the facility and available for review.

(O) The facility shall as soon as practical report any fire in the facility to the state fire marshal's office and the Department of Mental Health.

(P) The Division of Fire Safety may make additional requirements that provide adequate life safety protection if it is determined that the safety of the occupants is endangered. Every building or structure shall be constructed, arranged, equipped, maintained, and operated to avoid danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time necessary for escape from the building.

(Q) Prior to new construction, remodeling existing structures, and any structural alterations to existing facilities, the provider shall submit two (2) copies of plans and specifications prepared to scale for review and approval. One (1) copy shall be submitted to the licensing and certification office, the second copy to the state fire marshal. The plans shall include a narrative indicating the utilization of each area of the facility. The architect or contractor shall certify in writing that the plans are in compliance with these licensing rules. The provider shall not begin construction until the plans have been reviewed by the state fire marshal inspector. All plans for new construction, remodeling or additions shall comply with the Americans with Disabilities Act, Accessibility Guidelines.

(R) During the construction or remodeling process, the provider shall request a framing and wiring inspection and an inspection for the rough-in wiring for the fire alarm system by the Division of Fire Safety before the walls are enclosed. Failure to request these inspections in a timely manner may result in an unapproved fire inspection from the Division of Fire Safety.

(S) The ceiling height in all facilities shall be a minimum of seven feet six inches (7'6"). An allowance will be made by the state fire marshal inspector for some areas that are below seven feet six inches (7'6") for the installation of ductwork and plumbing.

(T) Facilities shall comply with all local building codes, fire codes and ordinances.

(U) The latest edition of the National Fire Protection Association, Chapter 101, Life Safety Code shall prevail in the interpretation of these rules.

(V) Each certified day program facility shall be inspected at least once annually by a state fire marshal inspector. The department will initiate the fire safety inspection. If a facility is found out of compliance with the fire safety rules, the department will apply procedures for achieving compliance as promulgated under 9 CSR 45-5.060.

(2) Means of Egress Requirements.

(A) Each floor occupied in the home shall have not less than two (2) remotely located means of egress. Each exit door shall not be less than thirty-two inches (32") wide and shall be thirty-six inches (36") wide in all new construction.

(B) In addition to the primary route, each room or occupied space shall have a second means of escape that consists of one (1) of the following:

1. A door, stairway, passage, or hall providing a way of unobstructed travel to the outside of the dwelling at street or ground level that is independent of and remotely located from the primary means of escape.

2. A passage through an adjacent non-lockable space, independent of and remotely located from the primary means of escape, to any approved means of escape.

(C) No door in the path of travel to the means of egress shall be less than thirty-two inches (32") wide in an existing facility.

(D) At no time shall the occupants of the facility exit through a bathroom, storage room, furnace room, kitchen, garage, or any other room deemed hazardous by the state fire marshal inspector.

(E) All exit doors shall swing in the direction of egress travel and have door closures attached. In smaller facilities that care for ten (10) or fewer clients, the exit doors may swing inward providing all of the clients are ambulatory. Door closures are not required in smaller facilities.

(F) Emergency lighting that has a battery backup shall be installed to light the path of egress. The location and number of emergency lights shall be determined by the state fire marshal.

(G) Lighted exit signs with a battery backup shall be installed above exit doors and as needed throughout the facility to direct the occupants to the exits.

(H) No dead bolt locks that require a key to unlock the lock from the inside shall be allowed.

(I) Overhead garage doors are not recognized as exit doorways.

(J) Mirrors shall not be placed on exit doors or adjacent to any exit in such a manner to confuse the direction of the exit. All exit doors shall be readily recognizable.

(K) All hallways shall have a clear width of at least thirty-six inches (36") wide and shall be kept free of all articles that might impede the occupants' evacuation from the home.

(L) Dead-end corridors/hallways shall not exceed twenty feet (20').

(M) All facilities that have a set of stairs or use stairs as a fire escape shall be constructed as follows:

1. All stairs shall be at least thirty-six inches (36") wide. Fire escapes shall be constructed of non-combustible materials.

2. The maximum rise shall be eight inches (8").

3. The minimum tread shall be nine inches (9").

4. The maximum height between landings shall be twelve feet (12').

5. The minimum landing size shall be forty-four inches (44").

6. Handrails shall be placed on both sides and shall be of sturdy construction and positioned thirty-four to thirty-eight inches (34"-38") above the tread.

7. The outside diameter of the handrails shall be at least one and one-fourth inches (1 1/4") and no greater than two inches (2") in size.

8. Handrails shall provide a clearance of at least one and one-half inches (1 1/2") between the handrail and the wall or upright to which it is attached.

9. Spiral staircase or winder is not permitted.

(N) Every ramp used in the component of the means of egress shall be a minimum of forty-four inches (44") wide, and have landings at the top and bottom being the same width as the ramp. Ramp height shall comply with the following:

1. Ramps less than three inches (3") in height shall have a slope of one inch (1") per eight inches (8") of run.

2. Ramps with a height of three to six inches (3"-6") shall have a slope of one inch (1") per ten inches (10") of run.

3. Ramps with a height greater than six inches (6") shall have a slope of one inch (1") per twelve inches (12") of run.

(O) All ramps shall have a slip-resistant surface and shall be designed so that water or snow shall not accumulate on their surface.

(P) All ramps over ten inches (10") in height shall have guardrails and handrails on both sides.

(3) Windows for Emergency Rescue and Ventilation.

(A) Every room or space greater than three hundred (300) square feet used by clients shall have at least one (1) outside window for emergency rescue and ventilation. The window shall be operable from the inside without the use of tools and shall provide a clear opening of at least twenty inches (20") wide, twenty-four inches (24") in height. The total clear opening space shall be no less than 5.7 square feet in size. The bottom of the opening shall be no more than forty-four inches (44") above the floor and any latching device shall be operated easily. The clear opening shall be a rectangular solid, with a minimum width and height that provides the required 5.7 square feet opening and a minimum depth of twenty inches (20") to allow passage through the opening. The windows shall be accessible by the fire department and shall open into an area having access to a public way.

(B) Subsection (3)(A) does not apply in the following situations:

1. In buildings protected throughout by an approved, supervised automatic sprinkler system; or
2. When the room or space has a door leading directly to the outside of the building.

(4) Travel Distance to Exits.

(A) The travel distance between any room door intended as an exit access or an exit shall not exceed one hundred feet (100').

(B) The travel distance between any point in a room and an exit shall not exceed one hundred fifty feet (150').

(C) The travel distance in (A) and (B) above shall be permitted to be increased by fifty feet (50') in buildings protected throughout by a supervised automatic sprinkler system that is approved by the state fire marshal inspector, based on the National Fire Protection Association Standards for Sprinkler Systems.

(5) Protection.

(A) Any vertical openings and stairwells shall be enclosed and protected with a one (1)-hour fire barrier and self-closing device attached to the door.

(B) All furnace rooms, rooms containing water heaters, boiler rooms and storage rooms shall be separated from the remainder of the building by construction having not less than a one (1)-hour fire resistance rating. All doors to these rooms shall have a self-closing device attached and shall have a one (1)-hour fire resistive rating. The one (1)-hour rating required for these rooms or areas are not required if the facility installs an automatic sprinkler head supplied by the domestic water supply or has an approved automatic sprinkler system. A fire alarm initiating device shall be installed in the rooms or areas.

(C) On-site developmental habilitation shall be separated from other occupancies in the same building in accordance with the following:

Use Group	Fire Wall Separation in Hours
Place of assembly	2
Business	1
Mercantile	2
Institutional restrained	1
Hotels or dormitories	2

(6) Interior Finish.

(A) Interior wall and ceiling finishes throughout shall be a minimum Class B finish, as specified in the definition section of these fire safety rules. Textile material having a napped, tufted, looped, woven, non-woven, or similar surface shall not be applied to walls or ceilings. Foam plastic materials or other highly flammable or toxic materials shall not be used as an interior wall, ceiling, or floor finish.

(B) All wall studs, ceiling joists, and floor joists shall be covered with a minimum of Class B finish, and no exposed studs or joists shall be allowed.

(C) Hangings or draperies shall not be placed over exit doors or be located to conceal or obscure any exit. All other hangings and draperies shall be treated with a flame retardant material with verification to this effect on file for the state fire marshal inspector to review. An exception can be made for window valances and shall be noted by the inspector on the fire inspection survey.

(7) Detection, Alarms, Extinguishment.

(A) All on-site day habilitation programs serving fifty (50) people or less shall have smoke detectors installed on each level, in all occupied spaces, storage rooms and throughout all corridors and in all other locations as deemed necessary by the state fire marshal inspector. All smoke detectors shall be powered by the building's electrical system and have a nine (9)-volt battery backup and be interconnected. Smoke detectors shall be installed and arranged so that the activation of any smoke detector causes the operation of an alarm in all detectors that is clearly audible throughout the building, including in bathrooms, corridors, and activity rooms, and above the noise of radios, televisions, and noises of normal activity.

(B) All on-site developmental habilitation serving fifty (50) people or more shall have a full coverage electrical fire alarm system. Pull stations shall be mounted at each exit door and at least one (1) horn shall be installed in a central location on each floor. Smoke detectors shall be installed in all rooms, throughout all corridors, in all living spaces, storage rooms and offices. Additional smoke detectors may be required by the state fire marshal inspector as deemed necessary. Heat detectors shall be installed in all mechanical rooms, kitchens and throughout the attic. The battery backup control panel shall be UL or F.M. listed and installed on a dedicated circuit in the breaker box. The fire alarm system shall be installed and maintained in good working order.

(C) The fire alarm system shall be monitored by a monitoring company or transmitted directly to the fire department when fifty (50) or more clients are present.

(D) All facilities shall have the fire alarm system tested, inspected, and approved annually by a fire alarm company. A copy of the test report and approval of the system shall be kept on file at the facility for review by the state fire marshal inspector.

(E) Occupant notification shall be provided automatically without delay. Pre-signal systems shall be prohibited.

(F) Any day program that has hearing-impaired occupants shall make adequate provisions so that the activation of any fire alarm system shall notify the occupants of the building. The state fire marshal inspector may require additional requirements for the hearing impaired occupants to insure adequate modification.

(G) All smoke detectors that are ten (10) years old or older shall be replaced with new smoke detectors of the same style. The new smoke detectors shall have the installation date written on the side of the detector for the state fire marshal to reference. All smoke detectors that are connected to a fire alarm system shall be replaced after ten (10) years of service, or recalibrated by the smoke detectors manufacturer. If the smoke detectors are recalibrated, temporary smoke detectors shall be installed so that the fire alarm system continues working properly and providing protection to the occupants while the original smoke detectors are being serviced.

(H) Facilities using equipment or appliances that pose a potential carbon monoxide risk, including facilities with attached garages, shall install a carbon monoxide detector(s). The detector(s) shall be installed according to the manufacturer's instructions. The state fire marshal may require additional carbon monoxide detectors if the state fire marshal inspector determines that the safety of the occupants is endangered.

1. Carbon monoxide detectors shall be in good operating condition. If a battery-operated detector is not operational, the facility shall install a detector that is powered by the building's electrical system with a battery backup.

2. If an elevated carbon monoxide level is detected during a fire inspection, the facility shall have all gas-fired appliances checked by a heating and air conditioning company to identify the source of the carbon monoxide. Until the facility has documentation on file at the facility verifying that all gas-fired appliances were checked by a heating and air conditioning company and are in safe working order, and the facility is determined safe by the state fire marshal inspector, the fire inspection shall not be approved.

3. If a level of carbon monoxide is determined that endangers the lives of the occupants in care, the state fire marshal shall take measures necessary to protect the occupants. This may include evacuation of the building or closing the facility. The facility shall obtain and have on file at the facility, documentation verifying that all gas-fired appliances were checked by a heating and air conditioning company and are in safe working order. The facility shall be re-inspected by the state fire marshal inspector and determined safe before the occupants can return to the building or the facility can reopen.

(I) At least one (1) portable (five pound (5 lb)) 2A-10B:C fire extinguisher shall be required in all facilities. One (1) fire extinguisher shall be located in the kitchen. Additional fire extinguishers shall be placed throughout the facility and the travel distance shall be no greater than seventy-five feet (75') between fire extinguishers. Additional fire extinguishers may be required by the state fire marshal inspector depending on the floor plan arrangement of space and the number of levels used.

(J) Fire extinguishers shall be installed and maintained according to the instructions of the state fire marshal and shall be inspected and approved annually by a fire extinguisher company. Documentation of the inspection and approval shall be on file at the facility and available for review by the state fire marshal inspector.

(8) Heating, Ventilating, Air Conditioning, and Mechanical Equipment.

(A) Unvented fuel-fired room heaters, portable electric space heaters and floor furnaces shall not be permitted for use.

(B) No facility shall be allowed to heat the facility with a wood burning stove, fireplace, or wood burning furnace located inside of the structure.

(C) All gas and electric heating equipment shall be equipped with thermostatic controls. All hot water heaters shall have a properly sized pressure relief valve and properly vented by galvanized flue pipe and screws at every joint in the pipe or by material recommended by the manufacturer if they are gas fired. The drip leg pipe on the pressure relief valve shall extend to approximately six inches (6") above the floor and shall be copper or CPVC and cannot be reduced in size.

(D) Facilities with a water heater over two hundred thousand British thermal units (200,000 Btus) per hour input or larger, or that is heating with a boiler, shall have a valid permit from the Division of Fire Safety posted on the premises. A copy of the permit shall be kept on file at the Division of Fire Safety.

(E) All furnace rooms shall be properly vented. Furnace flue pipes shall be constructed of galvanized pipe or material recommended by the manufacturer. All galvanized pipe shall be secured by screws at every joint in the pipe.

(F) All joints in the gas supply pipe shall be located outside of the furnace cabinet housing.

(G) Gas shutoff valve shall be located next to all gas appliances, furnaces, hot water heaters.

(H) All furnaces shall be equipped with an electrical fused switch to protect the unit from electrical overloading and to disconnect the electrical supply.

(I) If a furnace or hot water heater is located inside a garage, they shall be at least eighteen inches (18") above the finished floor and enclosed inside a fire resistant room having a fire rating of thirty (30) minutes. The door to this room shall also have a fire rating of thirty (30) minutes and have a door closure attached.

(J) All furnace rooms and rooms containing the hot water heater shall have adequate combustion air for the units. The vent size opening for the combustion air shall be measured at one (1) square inch per one thousand (1,000) Btus input if the combustion air is drawn from inside the structure and one (1) square inch per four thousand (4,000) Btus input if the air is drawn from outside of the structure. There shall be two (2) combustion air vent openings in each furnace room, one (1) located at the lower level and the other at the upper level.

(K) One (1) combustion air vent opening shall be permitted if the vent opening communicates directly to the outside of the structure. This opening shall be one (1) square inch per three thousand (3,000) Btus input of the total gas appliances located in this room. The gas appliances must have a clearance around them, of one inch (1") from the sides and back, and six inches (6") from the front of the unit.

(L) Air conditioning, heating, ventilating duct work, and related equipment shall be installed in a safe manner and be in good operating condition as determined by the state fire marshal.

(M) All elevators shall be inspected annually by a state licensed elevator inspector and shall obtain an annual state operating permit form from the Division of Fire Safety and post it as required.

(9) Electrical Services.

(A) Electrical wiring shall be installed and maintained in good working order. If the state fire marshal considers the wiring to be unsafe

for the occupants or it is installed improperly, an inspection by a licensed electrician may be required prior to fire safety approval. The inspection by the licensed electrician shall be based on National Fire Protection Association, Chapter 70, National Electrical Code.

(B) No electrical extension cords will be allowed, unless approved in writing by the state fire marshal inspector.

(10) Equivalency Concepts. Nothing in this rule is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety as alternatives required by this rule. These alternatives may be used only if technical documentation to demonstrate equivalency and the system, method, or device is submitted and approved by the Missouri Division of Fire Safety.

AUTHORITY: section 630.655, RSMo 2000.

PUBLIC COST: This rule under consideration will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This rule under consideration will have some fiscal impact to private entities. The department was not successful in its efforts to obtain fiscal information from private entities affected by this rule, which is necessary to accurately estimate cost. See fiscal note.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this rule under consideration by writing to Donna Haley, Mental Health Manager, Division of Mental Retardation and Developmental Disabilities, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Fiscal Note**Private Entity Cost****I. RULE NUMBER**

Title: 9 Department of Mental Health

Division: 45 Division of Mental Retardation and Developmental Disabilities

Chapter: 5 Standards

Type of Rulemaking: Proposed Rule

Rule Number and Name: 9 CSR 45-5.110 Fire Safety for On-Site Day Habilitation

II. SUMMARY OF FISCAL IMPACT. Present a summary of the fiscal impact. If the proposed rulemaking will affect more than one category of business, use one row for each category. In the first row, fill in the estimated number of business in the first category. In the second column, fill in the type of business in the category (i.e. what is the category). In the third column, fill in the aggregate cost (over the life of the rule) to all businesses in this category.

Estimate of the number of entities by class which would likely be affected by the adopting of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule to the affected entities:
112 facilities	On-Site Day Habilitation Providers	Unknown

III. WORKSHEET

N/A

IV. ASSUMPTIONS AND METHODOLOGY

Previously, for a fire inspection, day habilitation providers could choose between a local fire authority and the state fire marshal. With this rule, all day habilitation sites must have inspections conducted by the state fire marshal inspector. This should result in fire safety inspections that have a higher level of consistency and, in some cases, a higher level of expertise.

It is felt that these proposed changes could have some fiscal impact on the affected entities. Since these entities were under other jurisdiction (local fire department), it is unknown what changes are necessary to meet the requirements of this rule. The following are fire safety items that may cause fiscal impact. Notification: smoke detectors, carbon monoxide detectors, full fire alarm systems, pull alarms. Extinguishment: range hoods with fire suppressant equipment. Compartmentation: venting furnace rooms, fire stop partitions between floors, doors and walls with fire rating, separation of heating room. Escape: ramp, addition of outside doors to satisfy interior distance requirements, exit signs, emergency lighting.

However, our efforts to obtain fiscal information from affected entities have not succeeded. Therefore, we are unable to assess or estimate the fiscal impact of the affected entities at this time.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 45—Division of Mental Retardation and Developmental Disabilities
Chapter 5—Standards for Community Based Services

RULE UNDER CONSIDERATION

9 CSR 45-5.130 Fire Safety for Residential Habilitation for 4-9 People

PURPOSE: This rule establishes fire safety requirements for residential habilitation homes serving four to nine (4-9) people funded through the Medicaid home and community-based waiver. The department delegates its authority for fire safety inspections under this rule to the Department of Public Safety, Division of Fire Safety.

(1) General Requirements.

(A) The staff shall conduct at least one (1) fire drill and one (1) disaster/weather drill per quarter, with a minimum of one (1) fire and one (1) disaster/weather drill per year conducted while the residents are sleeping. A drill must be conducted within one (1) week of the arrival of a new resident. The staff shall maintain a written record at the facility of the date, type of drill, time required to evacuate the building and number of occupants present during the drill.

(B) Unscheduled drills shall be held at the state fire marshal inspector's discretion.

(C) During severe weather, fire drills may be postponed.

(D) Each fire drill shall evacuate all persons from the building, or evacuate to an area of refuge and defend in place. Each fire drill shall be conducted as follows:

1. Drills shall simulate an actual fire condition;

2. Occupants and staff members shall not obtain clothing or personal effects after the alarm has sounded;

3. The occupants and staff members shall proceed to a predetermined point outside the building that is sufficiently remote to avoid fire danger, or in case of disaster/weather drill to a predetermined point inside of the building; and

4. Occupants and staff members shall remain in place until a recall is issued or until they are dismissed.

(E) No window in a facility shall have bars or any other item placed over them in a stationary manner that would impede a rescue or evacuation.

(F) All flammable/combustible liquids, matches, toxic cleaning supplies, poisonous materials, or other hazardous items shall be stored so as to be inaccessible to the occupants if the occupants cannot handle the materials safely. If there are firearms and/or ammunition on the premises, they shall be kept in a locked space and residents shall not have access.

(G) Clothes dryers shall be vented and maintained properly.

(H) The house numbers shall be plainly visible from the street in case of emergency.

(I) Good housekeeping practices ensuring fire safety will be maintained daily.

(J) Stairways, walks, ramps, and porches shall be kept free of ice and snow.

(K) No fresh-cut Christmas trees shall be used unless they are treated with a flame resistant material. Documentation of the treatment shall be on file at the facility and available for review by the state fire marshal inspector.

(L) Candles and other devices that have an open flame shall not be used indoors. However, short-term supervised use of candles for special occasions or dinners is permitted.

(M) The facility shall notify the nearest fire department that the facility is in operation and have required signed documentation (fire department notification form) on file at the facility.

(N) Facilities served by a volunteer or membership fire department shall be a member in good standing with the fire department. A copy of the membership or receipt for membership shall be on file at the facility and available for review.

(O) The facility shall as soon as practical report any fire in the facility to the state fire marshal's office and the Department of Mental Health.

(P) The Division of Fire Safety may make additional requirements that provide adequate life safety protection if it is determined that the safety of the occupants is endangered. Every building or structure shall be constructed, arranged, equipped, maintained, and operated to avoid danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time necessary for escape from the building.

(Q) Prior to new construction, remodeling existing structures, and any structural alterations to existing facilities, the provider shall submit two (2) copies of plans and specifications prepared to scale for review and approval. One (1) copy shall be submitted to the licensing and certification office, the second copy to the state fire marshal. The plans shall include a narrative indicating the utilization of each area of the facility. The architect or contractor shall certify in writing that the plans are in compliance with these licensing rules. The provider shall not begin construction until the plans have been reviewed by the state fire marshal inspector. All plans for new construction, remodeling or additions shall comply with the Americans with Disabilities Act, Accessibility Guidelines.

(R) During the construction or remodeling process, the provider shall request a framing and wiring inspection and an inspection for the rough-in wiring for the fire alarm system by the Division of Fire Safety before the walls are enclosed. Failure to have these inspections constitutes cause for disapproval by the Division of Fire Safety.

(S) Facilities that were certified and areas approved for care prior to the effective date of this rule shall have ceilings at least seven feet (7') in height. Facilities initially certified and areas initially approved for care on or after the effective date of this rule shall meet all the requirements of this rule and shall have ceilings at least seven feet, six inches (7'6") in height. If structural alterations are made in facilities certified prior to the effective date of this rule, those facilities shall meet all the requirement of this rule and shall have ceilings at least seven feet, six inches (7'6") in height in the altered space. Allowance will be made by the state fire marshal inspector for the installation of ductwork and plumbing. No more than forty percent (40%) of the ceiling in each room shall be below minimal height.

(T) Facilities shall comply with all local building codes, fire codes and ordinances.

(U) The latest edition of the National Fire Protection Association, Chapter 101, Life Safety Code shall prevail in the interpretation of these rules.

(V) Each certified residential facility shall be inspected at least once annually by a state fire marshal inspector. The department will initiate the fire safety inspection. If a facility is found out of compliance with the fire safety rules, the department will apply procedures for achieving compliance as promulgated under 9 CSR 45-5.060.

(2) Means of Egress Requirements.

(A) Each floor occupied in the home shall have not less than two (2) remotely located means of egress. Required means of egress shall not be a window. Each exit door shall not be less than thirty inches (30") wide, except that newly constructed doorways shall be at least thirty-six inches (36") wide.

(B) Wheelchairs, walkers, and other support equipment shall not be stored in corridors.

(C) No door in the path of travel to the means of egress shall be less than thirty inches (30") wide. Except that newly constructed doorways shall be at least thirty-six inches (36").

(D) No primary means of escape or planned exit shall lead through a bathroom, storage room, furnace room, garage, or any other room deemed hazardous by the fire inspector. Exception: Kitchens shall not be considered hazardous unless they have commercial stoves without extinguishing equipment or other features that lend themselves to rapid fire development.

(E) All required outside exit doors shall swing in the direction of egress travel if there are more than six (6) residents living in the home and one (1) or more person(s) is nonambulatory. In other words, if there are six (6) residents or less and all are ambulatory, the required exit doors do NOT have to swing in the direction of egress travel.

(F) Emergency lighting that has a battery backup shall be installed to light the path of egress. The state fire marshal inspector shall determine the location and number of emergency lights.

(G) No dead bolt locks that require a key to unlock the lock from the inside shall be allowed.

(H) Overhead garage doors are not recognized as exit doorways.

(I) Mirrors shall not be placed on exit doors or adjacent to any exit in such a manner to confuse the direction of the exit. All exit doors shall be readily recognizable.

(J) All hallways shall have a clear width of at least thirty-six inches (36") wide and shall be kept free of all articles that might impede the occupants' evacuation from the home.

(K) Dead-end corridors/hallways shall not exceed twenty feet (20').

(L) Facilities initially certified and areas initially approved on or after the effective date of this rule, shall meet the following requirements. All facilities that have a set of stairs or use stairs as a fire escape shall be constructed as follows:

1. All stairs shall be at least thirty-six inches (36") wide. New fire escapes shall be constructed of noncombustible materials. Existing fire escapes shall be of sturdy construction and, at the discretion of the fire marshal, may be required to be load tested.

2. The maximum rise shall be eight inches (8").

3. The minimum tread shall be nine inches (9").

4. The maximum height between landings shall be twelve feet (12').

5. The minimum landing size shall be forty-four inches by forty-four inches (44" × 44").

6. Handrails shall be placed on both sides and shall be of sturdy construction and positioned thirty-four to thirty-eight inches (34"-38") above the tread.

7. The outside diameter of the handrails shall be at least one and one-fourth inches (1 1/4") and no greater than two inches (2") in size.

8. Handrails shall provide a clearance of at least one and one-half inches (1 1/2") between the handrail and the wall or upright to which it is attached.

9. Spiral staircases or winders are not permitted.

(M) Every ramp used in the component of the means of egress shall be a minimum of forty-four inches (44') wide, and have landings at the top and bottom being the same width as the ramp. Ramp height shall comply with the following:

1. Ramps less than three inches (3") in height shall have a slope of one inch (1") per eight inches (8") of run.

2. Ramps with a height of three to six inches (3"-6") shall have a slope of one inch (1") per ten inches (10") of run.

3. Ramps with a height greater than six inches (6") shall have a slope of one inch (1") per twelve inches (12") of run.

(N) All ramps shall have a slip-resistant surface and shall be designed so that water or snow shall not accumulate on their surface.

(O) All ramps over ten inches (10") in height shall have guardrails and handrails on both sides.

(3) Travel Distance to Exits.

(A) The travel distance between any room door intended as an exit access and an exit shall not exceed one hundred feet (100').

(B) The travel distance between any point in a room and an exit shall not exceed one hundred fifty feet (150').

(C) The travel distance between any point in a sleeping room and an exit access door in that room shall not exceed fifty feet (50'). Exception: The travel distance in (A) and (B) of this subsection shall be permitted to be increased by fifty feet (50') in buildings protected throughout by a supervised automatic sprinkler system that is approved by the state fire marshal inspector, based on the National Fire Protection Association, Standards for Sprinkler Systems.

(4) Protection.

(A) Vertical openings shall be protected so that no primary means of escape is exposed to an unprotected vertical opening. The vertical opening shall be considered protected if the opening is cut off and enclosed in a manner that provides a fire-resisting capability of not less than twenty (20) minutes and resists the passage of smoke. All doors or openings shall have fire- and smoke-resisting capability equivalent to that of the enclosure and shall be self-closing or automatic closing.

(B) Exception. Specific residential facilities that were certified prior to the effective date of this rule without twenty (20)-minute fire barriers in interior stairways as required by this subsection shall be considered in compliance with current requirements, unless renovations or significant changes have occurred in the way the building is being used or the number of residents are increased.

(C) All furnace rooms, rooms containing water heaters, boiler rooms, storage rooms, laundry rooms and all other rooms or areas deemed hazardous by the state fire marshal inspector shall be separated from the remainder of the building by a construction having not less than a twenty (20)-minute fire resistance rating. Doors to these rooms must be closed at all times. Doors to these rooms shall also have a twenty (20)-minute fire rating or be a minimum of one and three-fourths inches (1 3/4") thick solid core. The door(s) shall also have door closure(s) attached.

(D) Exception. The twenty (20)-minute fire resistance rating required for rooms or areas listed in subsection (4)(C) of this rule is not required if the facility installs a sprinkler head off the domestic water supply or has an approved automatic sprinkler system and a fire alarm initiating device shall be installed in the high hazard area.

(E) Every unoccupied attic space shall be subdivided by draft stops having a one (1)-hour fire rating, into areas not to exceed three thousand (3,000) square feet. Exception: Subdivisions described in this subsection are not required if the space is protected throughout by an approved, automatic sprinkler system.

(5) Interior Finish.

(A) Interior wall and ceiling finishes throughout shall be a minimum Class B finish, as specified in the definition section of these fire safety rules. Textile material having a napped, tufted, looped, woven, non-woven, or similar surface shall not be applied to walls or ceilings. Foam plastic materials or other highly flammable or toxic materials shall not be used as an interior wall, ceiling, or floor finish.

(B) All wall studs, ceiling joists, and floor joists shall be covered with a minimum of Class B finish, and no exposed studs or joists shall be allowed.

(C) Hangings or draperies shall not be placed over exit doors or be located to conceal or obscure any exit. All other hangings and draperies shall be treated with a flame retardant material with verification to this effect on file for the fire inspector to review. Exception shall be made for small window valances. These exceptions shall be noted on the fire inspection survey.

(6) Detection, Alarms, Extinguishment.

(A) Smoke detectors shall be installed in all sleeping rooms, throughout all corridors, in all living spaces, storage rooms, offices, and any other areas that are deemed necessary by the state fire marshal inspector. Smoke detectors shall be in good operating condition and functional at all times. Smoke detectors may be battery powered. However, if smoke detectors are not operational during two (2) separate inspections, the facility will be required to install smoke detectors that are powered by the home's electrical system and have a nine (9)-volt battery backup. These detectors shall be interconnected so that the activation of one (1) detector will cause an alarm in all detectors. Smoke detectors that are not operational must be documented on inspection surveys.

(B) All smoke detectors that are ten (10) years old or older shall be replaced with new smoke detectors of the same style. The new smoke detectors shall have the installation date written on the side of the detector for the state fire marshal inspector to reference.

(C) All smoke detectors that are connected to a fire alarm system shall be replaced after ten (10) years of service, or recalibrated by the smoke detector's manufacturer. If the smoke detectors are recalibrated, temporary smoke detectors shall be installed so that the fire alarm system continues working properly and providing protection to the occupants while the original smoke detectors are being serviced.

(D) Any residence that has hearing-impaired occupants shall make adequate provisions so that the activation of any fire alarm system shall notify the occupants of the home. The state fire marshal inspector may require additional requirements for the hearing-impaired occupants to insure adequate notification.

(E) Occupant notification shall be provided automatically without delay. Pre-signal systems shall be prohibited.

(F) All homes with fire alarm systems shall have the fire alarm system tested, inspected, and approved annually by a fire alarm company. A copy of the test report and approval of the system shall be kept on file at the residence for review by the state fire marshal inspector.

(G) Residences using equipment or appliances that pose a potential carbon monoxide risk, including facilities with attached garages, shall install a carbon monoxide detector(s). The detector(s) shall be installed according to the manufacturer's instructions. The state fire marshal inspector may require additional carbon monoxide detectors if the state fire marshal inspector determines that the safety of the occupants is endangered.

1. Carbon monoxide detectors shall be in good operating condition. If a battery operated detector is not operational, the facility shall install a detector that is powered by the home's electrical system with a battery backup.

2. If an elevated carbon monoxide level is detected during a fire inspection, the residence shall have all gas-fired appliances checked by a heating and air conditioning company to identify the source of the carbon monoxide. Until the residence has documentation on file at the home verifying that all gas-fired appliances were checked by a heating and air conditioning company and are in safe working order, and the facility is determined safe by the state fire marshal, the fire inspection shall not be approved.

3. If a level of carbon monoxide is determined that endangers the lives of the occupants, the state fire marshal inspector shall take measures necessary to protect the occupants. This may include evacuation of the home or closing the residence. The residence shall obtain and have on file at the home, documentation verifying that all gas-fired appliances were checked by a heating and air conditioning company and are in safe working order. The residence shall be re-inspected by the state fire marshal inspector and determined safe before the occupants can return to the home or the residence can reopen.

(H) At least one (1) portable (five pound (5 lb)) 2A-10B:C fire extinguisher shall be required in all homes. One (1) fire extinguisher shall be located in the kitchen. Additional fire extinguishers shall be placed throughout the home and the travel distance shall be no greater than seventy-five feet (75') between fire extinguishers. Additional fire extinguishers may be required by the state fire marshal depending on the floor plan arrangement of space and the number of levels used.

(I) Fire extinguishers shall be installed and maintained according to the instructions of the state fire marshal and shall be inspected and approved annually by a fire extinguisher company. Documentation of the inspection and approval shall be on file at the facility and available for review by the state fire marshal inspector.

(J) Homes initially obtaining certification and areas initially certified on or after the effective date of this rule shall meet the following requirements of subsections (6)(J) and (6)(K) of this rule. Homes using a commercial stove, deep fryer, or two (2) home type ranges placed side by side, shall be equipped with a range hood and extinguishing system with an automatic cutoff of the fuel supply and exhaust system in case of fire. The state fire marshal inspector shall inspect these systems to insure they are in good working condition and installed/maintained correctly. The state fire marshal inspector shall base this inspection on National Fire Protection Association, Chapter 96, Standard for Fire Protection of Commercial Cooking Operations. Exceptions: 1) Home type ranges separated by an eighteen inch (18") cabinet shall not be required to have an extinguishing system installed above them. 2) Facilities that cook on a home type range with no more than four (4) burners and/or grill, does not need to install a fire extinguishing system above the range.

(K) The range hood fire extinguishment system shall be connected to the control panel of the fire alarm system. The activation of the range hood fire extinguishment system shall cause the fire alarm system to activate throughout the building.

(7) Heating, Ventilating, Air Conditioning, and Mechanical Equipment.

(A) Unvented fuel-fired room heaters, portable electric space heaters and floor furnaces shall not be permitted for use.

(B) No facility shall be allowed to heat the home with a wood burning stove, fireplace, or wood burning furnace located inside of the structure as a primary source of heat. Fireplaces need to be approved for use by the state fire marshal inspector.

(C) All gas and electric heating equipment shall be equipped with thermostatic controls. All hot water heaters shall have a properly sized pressure relief valve and properly vented by galvanized flue pipe and screws at every joint in the pipe or by material recommended by the manufacturer if they are gas fired. The drip leg pipe on the pressure relief valve shall extend to approximately six inches (6") above the floor and shall be copper or CPVC and cannot be reduced in size.

(D) Facilities with a water heater over two hundred thousand British thermal units (200,000 Btus) per hour input or larger, or that are heating with a boiler, shall have a valid permit from the Division of Fire Safety posted on the premises. A copy of the permit shall be kept on file at the Division of Fire Safety.

(E) All furnace rooms shall be properly vented. Furnace flue pipes shall be constructed of galvanized pipe or material recommended by the manufacturer. All galvanized pipe shall be secured by screws at every joint in the pipe.

(F) All joints in the gas supply pipe shall be located outside of the furnace cabinet housing.

(G) A gas shutoff valve shall be located next to all gas appliances, furnaces, and hot water heaters.

(H) All furnaces shall be equipped with an electrical fused switch to protect the unit from electrical overloading and to disconnect the electrical supply.

(I) If a furnace or hot water heater is located inside a garage, it shall be at least eighteen inches (18") above the finished floor and enclosed inside a fire resistant room having a fire rating of thirty (30) minutes. The door to this room shall also have a minimum thirty (30)-minute fire rating and have a door closure attached.

(J) All furnace rooms and rooms containing the hot water heater shall have adequate combustion air for the units. The vent size opening for the combustion air shall be measured at one square inch (1") per one thousand (1,000) Btus input if the combustion air is drawn from inside the structure and one square inch (1") per four thousand (4,000) Btus input if the air is drawn from outside of the structure. There shall be two (2) combustion air vent openings in each furnace room, one (1) located at the lower level and the other at the upper level.

(K) One (1) combustion air vent opening shall be permitted if the vent opening communicates directly to the outside of the structure. This opening shall be one square inch (1") per three thousand (3,000) Btus input of the total gas appliances located in this room. The gas appliances must have a clearance around them, of one inch (1") from the sides and back, and six inches (6") from the front of the unit.

(L) Air conditioning, heating, ventilating duct work, and related equipment shall be installed in a safe manner and be in good operating condition as determined by the state fire marshal inspector.

(M) Any furnace or air handling equipment that has airflow of two thousand (2,000) cubic feet per minute or more, shall have a fan shut down switch that is interconnected with the fire alarm system.

(N) All elevators shall be inspected annually by a state licensed elevator inspector and shall obtain an annual state operating permit form from the Division of Fire Safety and post it as required.

(8) Electrical Services.

(A) Electrical wiring shall be installed and maintained in good working order. If the state fire marshal considers the wiring to be unsafe for the occupants or it is installed improperly, an inspection by a licensed electrician may be required prior to fire safety approval. The inspection by the licensed electrician shall be based on National Fire Protection Association, Chapter 70, National Electrical Code.

(B) No electrical extension cords will be allowed, unless approved in writing by the state fire marshal inspector. Extension cords shall not be permanently affixed to the structure or replace permanent wiring. Exception: The use of UL approved fused power surge strips is acceptable.

(9) Equivalency Concepts. Nothing in this rule is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety as alternatives required by this rule. These alternatives may be used only if technical documentation to demonstrate equivalency and the system, method, or device is submitted and approved by the Missouri Division of Fire Safety.

AUTHORITY: section 630.655, RSMo 2000.

PUBLIC COST: This rule under consideration will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This rule under consideration will have some fiscal impact to private entities. The department was not successful in its efforts to obtain fiscal information from private entities affected by this rule, which is necessary to accurately estimate cost. See fiscal note.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this rule under consideration by writing to Donna Haley, Mental Health Manager, Division of Mental Retardation and Developmental Disabilities, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Fiscal Note**Private Entity Cost****I. RULE NUMBER**

Title: 9 Department of Mental Health

Division: 45 Division of Mental Retardation and Developmental Disabilities

Chapter: 5 Standards

Type of Rulemaking: Proposed Rule

Rule Number and Name: 9 CSR 45-5.130 Fire Safety for Residential Habilitation for 4-9 People

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adopting of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule to the affected entities:
72 group homes	Residential Habilitation Homes	Unknown

III. WORKSHEET

N/A

IV. ASSUMPTIONS AND METHODOLOGY

Previously, for fire inspections, Residential Habilitation Homes for 4-9 people could choose between a local fire authority and the state fire marshal. With this rule all sites must have inspections conducted by the state fire marshal inspector. This should result in fire safety inspections that have a higher level of consistency and, in some cases, a higher level of expertise.

It is felt that these proposed changes could have some fiscal impact on the affected entities. Since these entities were under other jurisdiction (local fire department), it is unknown what changes are necessary to meet the requirements of this rule. The following are fire safety items that may cause fiscal impact. Notification: smoke detectors, carbon monoxide detectors. Extinguishment: range hoods with fire suppressant equipment for commercial stoves, portable fire extinguishers. Compartmentation: venting furnace rooms, fire stop partitions between floors, doors and walls with fire rating, separation of heating room. Escape: in specific situations outside exit doors to swing in the direction of egress, addition of outside doors to satisfy interior distance requirements.

However, our efforts to obtain fiscal information have not succeeded. Therefore, we are unable to assess or estimate the fiscal impact of the affected entities at this time.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 45—Division of Mental Retardation and Developmental Disabilities
Chapter 5—Standards for Community Based Services

RULE UNDER CONSIDERATION

9 CSR 45-5.140 Fire Safety for Residential Habilitation for 10–16 People

PURPOSE: This rule establishes fire safety requirements for residential habilitation homes serving ten to sixteen (10–16) people funded through the Medicaid home and community based waiver. The department delegates its authority for fire safety inspections under this rule to the Department of Public Safety, Division of Fire Safety.

(1) General Requirements.

(A) The staff shall conduct at least one (1) fire drill and disaster drill at least once a month, with a minimum of two (2) drills conducted annually while the residents are sleeping. The staff shall maintain a written record at the facility of the date, type of drill, time required to evacuate the building and number of occupants present during the drill.

(B) Unscheduled drills shall be held at the state fire marshal inspector's discretion.

(C) During severe weather, fire drills may be postponed.

(D) Each fire drill shall evacuate all persons from the building, or evacuate to an area of refuge and defend in place. Each fire drill shall be conducted as follows:

1. Drills shall simulate an actual fire condition;

2. Occupants and staff members shall not obtain clothing or personal effects after the alarm has sounded;

3. The occupants and staff members shall proceed to a predetermined point outside the building that is sufficiently remote to avoid fire danger, or to a predetermined point inside of the building; and

4. Occupants and staff members shall remain in place until a recall is issued or until they are dismissed.

(E) No window in a facility shall have bars or any other item placed over them in a stationary manner that would impede a rescue or evacuation.

(F) All flammable/combustible liquids, matches, toxic cleaning supplies, poisonous materials, or other hazardous items shall be stored so as to be inaccessible to the occupants if the occupants cannot handle the materials safely. If there are firearms and/or ammunition on the premises, they shall be kept in a locked space and residents shall not have access.

(G) Clothes dryers shall be vented and maintained properly.

(H) The house numbers shall be plainly visible from the street in case of emergency.

(I) Good housekeeping practices ensuring fire safety will be maintained daily.

(J) Stairways, walks, ramps, and porches shall be kept free of ice and snow.

(K) No fresh-cut Christmas trees shall be used unless they are treated with a flame resistant material. Documentation of the treatment shall be on file at the facility and available for review by the state fire marshal.

(L) Candles and other devices that have an open flame shall not be used indoors.

(M) The facility shall notify the nearest fire department that the facility is in operation and have required signed documentation (fire department notification form) on file at the facility.

(N) Facilities served by a volunteer or membership fire department shall be a member in good standing with the fire department. A copy of the membership or receipt for membership shall be on file at the facility and available for review.

(O) The facility shall as soon as practical report any fire in the facility to the state fire marshal's office and the Department of Mental Health.

(P) The Division of Fire Safety may make additional requirements that provide adequate life safety protection if it is determined that the safety of the occupants is endangered. Every building or structure shall be constructed, arranged, equipped, maintained, and operated to avoid danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time necessary for escape from the building.

(Q) Prior to new construction, remodeling existing structures, and any structural alterations to existing facilities, the provider shall submit two (2) copies of plans and specifications prepared to scale for review and approval. One (1) copy shall be submitted to the licensing and certification office, the second copy to the state fire marshal. The plans shall include a narrative indicating the utilization of each area of the facility. The architect or contractor shall certify in writing that the plans are in compliance with these licensing rules. The provider shall not begin construction until the plans have been reviewed by the state fire marshal inspector. All plans for new construction, remodeling or additions shall comply with the Americans with Disabilities Act, Accessibility Guidelines.

(R) During the construction or remodeling process, the provider shall request a framing and wiring inspection and an inspection for the rough-in wiring for the fire alarm system by the Division of Fire Safety before the walls are enclosed. Failure to request these inspections in a timely manner may result in an unapproved fire inspection from the Division of Fire Safety.

(S) The ceiling height in all facilities shall be a minimum of seven feet six inches (7'6"). An allowance will be made by the state fire marshal for some areas that are below seven feet six inches (7'6") for the installation of ductwork and plumbing. No more than forty percent (40%) of the ceiling in each room shall be below minimal height.

(T) Facilities shall comply with all local building codes, fire codes and ordinances.

(U) The latest edition of the National Fire Protection Association, Chapter 101, Life Safety Code shall prevail in the interpretation of these rules.

(V) Each certified residential facility shall be inspected at least once annually by a state fire marshal inspector. The department will initiate the fire safety inspection. If a facility is found out of compliance with the fire safety rules, the department will apply procedures for achieving compliance as promulgated under 9 CSR 45-5.060.

(2) Means of Egress Requirements.

(A) Each floor occupied in the home shall have not less than two (2) remotely located means of egress. Required means of egress shall not be a window. Each exit door shall not be less than thirty inches (30") wide, except that newly constructed doorways shall be at least thirty-six inches (36").

(B) Wheelchair, walkers and other support equipment shall not be stored in corridors.

(C) No door in the path of travel to the means of egress shall be less than thirty inches (30") wide. Except that newly constructed doorways shall be at least thirty-six inches (36").

(D) No primary means of escape shall lead through a bathroom, storage room, furnace room, kitchen, garage, or any other room deemed hazardous by the fire marshal.

(E) All exit doors shall swing in the direction of egress travel and shall have door closures attached.

(F) Emergency lighting that has a battery backup shall be installed to light the path of egress. The location and number of emergency lights shall be determined by the state fire marshal inspector.

(G) Lighted exit signs with a battery backup shall be installed above exit door and as needed throughout the facility to direct the occupants to the exits.

(H) No dead bolt locks that require a key to unlock the lock from the inside shall be allowed.

(I) Overhead garage doors are not recognized as exit doorways.

(J) Mirrors shall not be placed on exit doors or adjacent to any exit in such a manner to confuse the direction of the exit. All exit doors shall be readily recognizable.

(K) All hallways shall have a clear width of at least thirty-six inches (36") wide and shall be kept free of all articles that might impede the occupants' evacuation from the home.

(L) Dead-end corridors/hallways shall not exceed twenty feet (20').

(M) Each wing or corridor of the facility shall be separated into fire compartment areas by fire doors and walls, having not less than a one (1) hour rating. All fire doors shall be equipped with a door closure and may be held open at all times with an electrical magnetic switch that is interconnected to the fire alarm system.

(N) Facilities initially certified and areas initially approved on or after the effective date of this rule, shall meet the following requirements. All facilities that have a set of stairs or use stairs as a fire escape shall be constructed as follows:

1. All stairs shall be at least thirty-six inches (36") wide. Fire escapes shall be constructed of noncombustible materials. Existing fire escapes shall be of sturdy construction and, at the discretion of the fire marshal, may be required to be load tested.

2. The maximum rise shall be eight inches (8").

3. The minimum tread shall be nine inches (9").

4. The maximum height between landings shall be twelve feet (12').

5. The minimum landing size shall be forty-four inches (44").

6. Handrails shall be placed on both sides and shall be of sturdy construction and position thirty-four to thirty-eight inches (34"-38") above the tread.

7. The outside diameter of the handrails shall be at least one and one-fourth inches (1 1/4") and no greater than two inches (2") in size.

8. Handrails shall provide a clearance of at least one and one-half inches (1 1/2") between the handrail and the wall or upright to which it is attached.

9. Spiral staircase or winder is not permitted.

(O) Every ramp used in the component of the means of egress shall be a minimum of forty-four inches (44") wide, and have landings at the top and bottom being the same width as the ramp. Ramp height shall comply with the following:

1. Ramps less than three inches (3") in height shall have a slope of one inch (1") per eight inches (8") of run.

2. Ramps with a height of three to six inches (3"-6") shall have a slope of one inch (1") per ten inches (10") of run.

3. Ramps with a height greater than six inches (6") shall have a slope of one inch (1") per twelve inches (12") of run.

(P) All ramps shall have a slip-resistant surface and shall be designed so that water or snow shall not accumulate on their surface.

(Q) All ramps over ten inches (10") in height shall have guardrails and handrails on both sides.

(3) Travel Distance to Exits.

(A) The travel distance between any room door intended as an exit access and an exit shall not exceed one hundred feet (100').

(B) The travel distance between any point in a room and an exit shall not exceed one hundred fifty feet (150').

(C) The travel distance between any point in a sleeping room and an exit access door in that room shall not exceed fifty feet (50').

Exception: The travel distance in (A) and (B) of this section shall be permitted to be increased by fifty feet (50') in buildings protected throughout by a supervised automatic sprinkler system that is approved by the fire marshal, based on the National Fire Protection Association, Standards for Sprinkler Systems.

(4) Protection.

(A) Vertical openings shall be protected so that no primary means of escape is exposed to an unprotected vertical opening. The vertical opening shall be considered protected if the opening is cut off and enclosed in a manner that provides a fire-resisting capability of not less than twenty (20) minutes and resists the passage of smoke. Any doors or openings shall have fire- and smoke-resisting capability equivalent to that of the enclosure and shall be self-closing or automatic closing.

(B) Interior stairways shall be closed with one (1)-hour-fire barriers, with all opening equipped with smoke actuated automatic-closing or self-closing doors having a fire resistance comparable to that required for the enclosure.

(C) All furnace rooms, rooms containing water heaters, boiler rooms, storage rooms, laundry rooms and all other rooms or areas deemed hazardous by the state fire marshal inspector shall be separated from the remainder of the building by construction having not less than a one (1)-hour fire-resistance rating. All doors to these rooms shall have a self-closing device attached and shall have a minimum one (1)-hour fire rating.

(D) Exception. The one (1)-hour fire resistance rating required for rooms or areas listed in subsection (4)(C) of this rule is not required if the facility installs a sprinkler head off the domestic water supply or has an approved automatic sprinkler system and a fire alarm initiating device shall be installed in the high hazard area.

(E) Every unoccupied attic space shall be subdivided by draft stops having a one (1)-hour fire rating, into areas not to exceed three thousand (3,000) square feet. Exception: Subdivisions described in this subsection are not required if the space is protected throughout by an approved, automatic sprinkler system.

(F) All doors to sleeping rooms shall have a fire resistance rating of twenty (20) minutes.

(5) Interior Finish.

(A) Interior wall and ceiling finishes throughout shall be a minimum Class B finish, as specified in the definition section of these fire safety rules. Textile material having a napped, tufted, looped, woven, non-woven, or similar surface shall not be applied to walls or ceilings. Foam plastic materials or other highly flammable or toxic materials shall not be used as an interior wall, ceiling, or floor finish.

(B) All wall studs, ceiling joists, and floor joists shall be covered with a minimum of Class B finish, and no exposed studs or joists shall be allowed.

(C) Hangings or draperies shall not be placed over exit doors or be located to conceal or obscure any exit. All other hangings and draperies shall be treated with a flame retardant material with verification to this effect on file for the state fire marshal to review. Exception shall be made for small window valances. These exceptions shall be noted on the fire inspection survey.

(6) Detection, Alarms, Extinguishment.

(A) All facilities shall have a full coverage electrical fire alarm system. Pull stations shall be mounted at each exit door and at least one (1) horn/strobe shall be installed in a central location on each floor. Smoke detectors shall be installed in all sleeping rooms, throughout all corridors, in all living spaces, storage rooms and offices. Additional smoke detectors may be required by the state fire marshal inspector as deemed necessary. Heat detectors shall be installed in all mechanical rooms, kitchens and throughout the attic. The battery backup control panel shall be UL or F.M. listed and installed on a dedicated circuit breaker box. The fire alarm system shall be installed and maintained in good working order and shall be UL or F.M. listed. The fire alarm system shall be installed and maintained per the National Fire Alarm Code (NFPA72) and the National Electrical Code.

(B) All smoke detectors that are ten (10) years old or older shall be replaced with new smoke detectors of the same style. The new smoke detectors shall have the installation date written on the side of the detector for the state fire marshal to reference.

(C) All smoke detectors that are connected to a fire alarm system shall be replaced after ten (10) years of service, or recalibrated by the smoke detectors manufacturer. If the smoke detectors are recalibrated, temporary smoke detectors shall be installed so that the fire alarm system continues working properly and providing protection to the occupants while the original smoke detectors are being serviced.

(D) Any residence that has hearing-impaired occupants shall make adequate provisions so that the activation of any fire alarm system shall notify the occupants of the home. The state fire marshal may require additional requirements for the hearing-impaired occupants to insure adequate notification.

(E) Occupant notification shall be provided automatically without delay. Pre-signal systems shall be prohibited.

(F) All facilities shall have the fire alarm system tested, inspected, and approved annually by a fire alarm company. A copy of the test report and approval of the system shall be kept on file at the facility for review by the state fire marshal.

(G) Facilities using equipment or appliances that pose a potential carbon monoxide risk, including facilities with attached garages, shall install a carbon monoxide detector(s). The detector(s) shall be installed according to the manufacturer's instructions. The state fire marshal inspector may require additional carbon monoxide detectors if the state fire marshal determines that the safety of the occupants is endangered.

1. Carbon monoxide detectors shall be in good operating condition. If a battery-operated detector is not operational, the facility shall install a detector that is powered by the home's electrical system with a battery backup.

2. If an elevated carbon monoxide level is detected during a fire inspection, the facility shall have all gas-fired appliances checked by a heating and air conditioning company to identify the source of the carbon monoxide. Until the facility has documentation on file at the home verifying that all gas-fired appliances were checked by a heating and air conditioning company and are in safe working order, and the facility is determined safe by the state fire marshal, the fire inspection shall not be approved.

3. If a level of carbon monoxide is determined that endangers the lives of the occupants, the state fire marshal shall take measures necessary to protect the occupants. This may include evacuation of the building or closing the facility. The facility shall obtain and have on file at the facility, documentation verifying that all gas-fired appliances were checked by a heating and air conditioning company and are in safe working order. The facility shall be re-inspected by the state fire marshal and determined safe before the occupants can return to the building or the facility can reopen.

(H) At least one (1) portable (five pound (5 lb)) 2A-10B:C fire extinguisher shall be required in all facilities. One (1) fire extinguisher shall be located in the kitchen. Additional fire extinguishers shall be placed throughout the facility and the travel distance shall be no greater than seventy-five feet (75') between fire extinguishers. Additional fire extinguishers may be required by the state fire marshal inspector depending on the floor plan arrangement of space and the number of levels used.

(I) Fire extinguishers shall be installed and maintained according to the instructions of the state fire marshal inspector and shall be inspected and approved annually by a fire extinguisher company. Documentation of the inspection and approval shall be on file at the facility and available for review by the state fire marshal inspector.

(J) Facilities using a commercial stove, deep fryer, or two (2) home type ranges placed side by side, or a home type range that produces a grease laden vapor shall be equipped with a range hood and extinguishing system with an automatic cutoff of the fuel supply and exhaust system in case of fire. The state fire marshal inspector shall inspect these systems to insure they are in good working condition and installed/maintained correctly. The state fire marshal inspector shall base this inspection on National Fire Protection Association, Chapter 96, Standard for Fire Protection of Commercial Cooking Operations. Exception: 1) Home type ranges separated by an eighteen inch (18") cabinet shall not be required to have an extinguishing system installed above them. 2) Facilities that cook on a home type range, and have

a menu that does not include frying, or emitting a grease laden vapor, and has approval letter from the Department of Mental Health, does not need to install a fire extinguishing system above the range.

(K) The range hood fire extinguishment system shall be connected to the control panel of the fire alarm system. The activation of the range hood fire extinguishment system shall cause the fire alarm system to activate throughout the building.

(7) Heating, Ventilating, Air Conditioning, and Mechanical Equipment.

(A) Unvented fuel-fired room heaters, portable electric space heaters and floor furnaces shall not be permitted for use.

(B) No facility shall be allowed to heat the home with a wood burning stove, fireplace, or wood burning furnace located inside of the structure as a primary source of heat.

(C) All gas and electric heating equipment shall be equipped with thermostatic controls. All hot water heaters shall have a properly sized pressure relief valve and properly vented by galvanized flue pipe and screws at every joint in the pipe or by material recommended by the manufacturer if they are gas fired. The drip leg pipe on the pressure relief valve shall extend to approximately six inches (6") above the floor and shall be copper or CPVC and cannot be reduced in size.

(D) Facilities with a water heater over two hundred thousand British thermal units (200,000 Btus) per hour input or larger, or that is heating with a boiler, shall have a valid permit from the Division of Fire Safety posted on the premises. A copy of the permit shall be kept on file at the Division of Fire Safety.

(E) All furnace rooms shall be properly vented. Furnace flue pipes shall be constructed of galvanized pipe or material recommended by the manufacturer. All galvanized pipe shall be secured by screws at every joint in the pipe.

(F) All joints in the gas supply pipe shall be located outside of the furnace cabinet housing.

(G) A gas shutoff valve shall be located next to all gas appliances, furnaces, hot water heaters.

(H) All furnaces shall be equipped with an electrical fused switch to protect the unit from electrical overloading and to disconnect the electrical supply.

(I) If a furnace or hot water heater is located inside a garage, they shall be at least eighteen inches (18") above the finished floor and enclosed inside a fire resistant room as described in subsection (4)(C) of this rule.

(J) All furnace rooms and rooms containing the hot water heater shall have adequate combustion air for the units. The vent size opening for the combustion air shall be measured at one square (1) inch per one thousand (1,000) Btus input if the combustion air is drawn from inside the structure and one square (1) inch per four thousand (4,000) Btus input if the air is drawn from outside of the structure. There shall be two (2) combustion air vent openings in each furnace room, one (1) located at the lower level and the other at the upper level.

(K) One (1) combustion air vent opening shall be permitted if the vent opening communicates directly to the outside of the structure. This opening shall be one (1) square inch per three thousand (3,000) Btus input of the total gas appliances located in this room. The gas appliances must have a clearance around them, of one inch (1") from the sides and back, and six inches (6") from the front of the unit.

(L) Air conditioning, heating, ventilating duct work, and related equipment shall be installed in a safe manner and be in good operating condition as determined by the state fire marshal.

(M) Any furnace or air handling equipment that has air flow of two thousand (2,000) cubic feet per minute or more, shall have a fan shutdown switch that is interconnected with the fire alarm system.

(N) All elevators shall be inspected annually by a state licensed elevator inspector and shall obtain an annual state operating permit form from the Division of Fire Safety and post it as required.

(8) Electrical Services.

(A) Electrical wiring shall be installed and maintained in good working order. If the state fire marshal considers the wiring to be unsafe for the occupants or if it is installed improperly, an inspection by a licensed electrician may be required prior to fire safety approval. The inspection by the licensed electrician shall be based on National Fire Protection Association, Chapter 70, National Electrical Code.

(B) No electrical extension cords will be allowed, unless approved in writing by the state fire marshal. Extension cords shall not be permanently affixed to the structure or replace permanent wiring. Exception: The use of UL approved fused power surge strips is acceptable.

(9) Equivalency Concepts. Nothing in this rule is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety as alternatives required by this rule. These alternatives may be used only if technical documentation to demonstrate equivalency and the system, method, or device is submitted and approved by the Missouri Division of Fire Safety.

AUTHORITY: section 630.655, RSMo 2000.

PUBLIC COST: This rule under consideration will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This rule under consideration will have some fiscal impact to private entities. The department was not successful in its efforts to obtain fiscal information from private entities affected by this rule, which is necessary to accurately estimate cost. See fiscal note.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this rule under consideration by writing to Donna Haley, Mental Health Manager, Division of Mental Retardation and Developmental Disabilities, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Fiscal Note

Private Entity Cost

I. RULE NUMBER

Title: 9 Department of Mental Health

Division: 45 Division of Mental Retardation and Developmental Disabilities

Chapter: 5 Standards

Type of Rulemaking: Proposed Rule

Rule Number and Name: 9 CSR 45-5.140 Fire Safety for Residential Habilitation for 10-16 People

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adopting of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule to the affected entities:
11 homes	Residential Habilitation Homes	Unknown

III. WORKSHEET

N/A

IV. ASSUMPTIONS AND METHODOLOGY

Previously, for fire inspections, Residential Habilitation Homes for 10-16 people could choose between a local fire authority and the state fire marshal. With this rule all sites must have inspections conducted by the state fire marshal inspector. This should result in fire safety inspections that have a higher level of consistency and, in some cases, a higher level of expertise.

It is felt that these proposed changes could have some fiscal impact on the affected entities. Since these entities were under other jurisdiction (local fire department), it is unknown what changes are necessary to meet the requirements of this rule. The following are fire safety items that may cause fiscal impact.

Notification: smoke detectors, carbon monoxide detectors, full fire alarm systems, pull alarms.

Extinguishment: range hoods with fire suppressant equipment, fire extinguishing systems.

Compartmentation: venting furnace rooms, fire stop partitions between floors, doors and walls with fire rating, separation of heating room. Escape: ramp, addition of outside doors to satisfy interior distance requirements, exit signs, emergency lighting.

However, our efforts to obtain fiscal information have not succeeded. Therefore, we are unable to assess or estimate the fiscal impact of the affected entities at this time.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 45—Division of Mental Retardation and Developmental Disabilities
Chapter 5—Standards for Community Based Services

RULE UNDER CONSIDERATION

9 CSR 45-5.150 Fire Safety for Residential Habilitation for 17 or More People

PURPOSE: This rule establishes fire safety requirements for residential habilitation homes serving seventeen (17) or more people funded through the Medicaid home and community based waiver. The department delegates its authority for fire safety inspections under this rule to the Department of Public Safety, Division of Fire Safety.

(1) General Requirements.

(A) The staff shall conduct at least one (1) fire drill and one (1) disaster drill per month, with a minimum of two (2) drills, one (1) fire and one (1) disaster, conducted annually while the residents are sleeping. The staff shall maintain a written record at the facility of the date, type of drill, time required to evacuate the building and number of occupants present during the drill.

(B) Unscheduled drills shall be held at the state fire marshal inspector's discretion.

(C) During severe weather, fire drills may be postponed.

(D) Each fire drill shall evacuate all persons from the building, or evacuate to an area of refuge and defend in place. Each fire drill shall be conducted as follows:

1. Drills shall simulate an actual fire condition;

2. Occupants and staff members shall not obtain clothing or personal effects after the alarm has sounded;

3. The occupants and staff members shall proceed to a pre-determined point outside the building that is sufficiently remote to avoid fire danger, or in case of disaster drill to a pre-determined point inside of the building; and

4. Occupants and staff members shall remain in place until a recall is issued or until they are dismissed.

(E) No window in a facility shall have bars or any other item placed over them in a stationary manner that would impede a rescue or evacuation.

(F) All flammable/combustible liquids, matches, toxic cleaning supplies, poisonous materials, or other hazardous items shall be stored so as to be inaccessible to the occupants if the occupants cannot handle the materials safely. If there are firearms and/or ammunition on the premises, they shall be kept in a locked space and residents shall not have access.

(G) Clothes dryers shall be vented and maintained properly.

(H) The house numbers shall be plainly visible from the street in case of emergency.

(I) Good housekeeping practices ensuring fire safety will be maintained daily.

(J) Stairways, walks, ramps, and porches shall be kept free of ice and snow.

(K) No fresh-cut Christmas trees shall be used unless they are treated with a flame resistant material. Documentation of the treatment shall be on file at the facility and available for review by the fire inspector.

(L) Candles and other devices that have an open flame shall not be used indoors.

(M) The facility shall notify the nearest fire department that the facility is in operation and have required signed documentation (fire department notification form) on file at the facility.

(N) Facilities served by a volunteer or membership fire department shall be a member in good standing with the fire department. A copy of the membership or receipt for membership shall be on file at the facility and available for review.

(O) The facility shall as soon as practical report any fire in the facility to the state fire marshal's office and the Department of Mental Health.

(P) The Division of Fire Safety may make additional requirements that provide adequate life safety protection if it is determined that the safety of the occupants is endangered. Every building or structure shall be constructed, arranged, equipped, maintained, and operated to avoid danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time necessary for escape from the building.

(Q) Prior to new construction, remodeling existing structures, and any structural alterations to existing facilities, the provider shall submit two (2) copies of plans and specifications prepared to scale for review and approval. One (1) copy shall be submitted to the licensing and certification office, the second copy to the state fire marshal. The plans shall include a narrative indicating the utilization of each area of the facility. The architect or contractor shall certify in writing that the plans are in compliance with these licensing rules. The provider shall not begin construction until the plans have been reviewed by the state fire marshal inspector. All plans for new construction, remodeling or additions shall comply with the Americans with Disabilities Act, Accessibility Guidelines.

(R) During the construction or remodeling process, the provider shall request a framing and wiring inspection and an inspection for the rough-in wiring for the fire alarm system by the Division of Fire Safety before the walls are enclosed. Failure to have these inspections conducted will result in an unapproved fire inspection from the Division of Fire Safety.

(S) The ceiling height in all facilities shall be a minimum of seven feet six inches (7'6"). An allowance will be made by the state fire marshal for some areas that are below seven feet six inches (7'6") for the installation of ductwork and plumbing. No more than forty percent (40%) of the ceiling in each room shall be below minimal height.

(T) Facilities shall comply with all local building codes, fire codes and ordinances.

(U) The latest edition of the National Fire Protection Association, Chapter 101, Life Safety Code shall prevail in the interpretation of these rules.

(V) Each certified residential facility shall be inspected at least once annually by a state fire marshal inspector. The department will initiate the fire safety inspection. If a facility is found out of compliance with the fire safety rules, the department will apply procedures for achieving compliance as promulgated under 9 CSR 45-5.060.

(2) Means of Egress Requirements.

(A) Each floor occupied in the home shall have not less than two (2) remotely located means of egress. Required means of egress shall not be a window. Each exit door shall not be less than thirty-six inches (36") wide.

(B) Wheelchair, walkers and other support equipment shall not be stored in corridors.

(C) No door in the path of travel to the means of egress shall be less than thirty-six inches (36") wide.

(D) No primary means of escape shall lead through a bathroom, storage room, furnace room, kitchen, garage, or any other room deemed hazardous by the state fire marshal inspector.

(E) All exit doors shall swing in the direction of egress travel and shall have door closures attached.

(F) Emergency lighting that has a battery backup shall be installed to light the path of egress. The location and number of emergency lights shall be determined by the state fire marshal inspector.

(G) Lighted exit signs with a battery backup shall be installed above exit door and as needed throughout the facility to direct the occupants to the exits.

(H) No dead bolt locks that require a key to unlock the lock from the inside shall be allowed.

(I) Overhead garage doors are not recognized as exit doorways.

(J) Mirrors shall not be placed on exit doors or adjacent to any exit in such a manner to confuse the direction of the exit. All exit doors shall be readily recognizable.

(K) All hallways shall have a clear width of at least thirty-six inches (36") wide and shall be kept free of all articles that might impede the occupants' evacuation from the home.

(L) Dead-end corridors/hallways shall not exceed twenty feet (20').

(M) Each wing or corridor of the facility shall be separated into fire compartment areas by fire doors and walls, having not less than a one (1) hour rating. All fire doors shall be equipped with a door closure and may be held open at all times with an electrical magnetic switch that is interconnected to the fire alarm system.

(N) Facilities initially certified and areas initially approved on or after the effective date of this rule, shall meet the following requirements. All facilities that have a set of stairs, or use stairs as a fire escape shall be constructed as follows:

1. All stairs shall be at least thirty-six inches (36") wide. Fire escapes shall be constructed of noncombustible materials. Existing fire escapes shall be of sturdy construction and, at the discretion of the fire marshal, may be required to be load tested.

2. The maximum rise shall be eight inches (8").

3. The minimum tread shall be nine inches (9").

4. The maximum height between landings shall be twelve feet (12").

5. The minimum landing size shall be forty-four inches (44").

6. Handrails shall be placed on both sides and shall be of sturdy construction and position thirty-four to thirty-eight inches (34"-38") above the tread.

7. The outside diameter of the handrails shall be at least one and one-fourth inches (1 1/4") and no greater than two inches (2") in size.

8. Handrails shall provide a clearance of at least one and one-half inches (1 1/2") between the handrail and the wall or upright to which it is attached.

9. Spiral staircase or winder is not permitted.

(O) Every ramp used in the component of the means of egress shall be a minimum of forty-four inches (44") wide, and have landings at the top and bottom being the same width as the ramp. Ramp height shall comply with the following:

1. Ramps less than three inches (3") in height shall have a slope of one inch (1") per eight inches (8") of run.

2. Ramps with a height of three to six inches (3"-6") shall have a slope of one inch (1") per ten inches (10") of run.

3. Ramps with a height greater than six inches (6") shall have a slope of one inch (1") per twelve inches (12") of run.

(P) All ramps shall have a slip-resistant surface and shall be designed so that water or snow shall not accumulate on their surface.

(Q) All ramps over ten inches (10") in height shall have guardrails and handrails on both sides.

(3) Travel Distance to Exits.

(A) The travel distance between any room door intended as an exit access or an exit shall not exceed one hundred feet (100').

(B) The travel distance between any point in a room and an exit shall not exceed one hundred fifty feet (150').

(C) At the discretion of the state fire marshal inspector and in consideration of the presence of an automated sprinkler system, the distances in subsections (A) and (B) may be extended by fifty feet (50').

(4) Protection.

(A) Vertical openings shall be protected so that no primary means of escape is exposed to an unprotected vertical opening. The vertical opening shall be considered protected if the opening is cut off and enclosed in a manner that provides a fire-resisting capability of not less than twenty (20) minutes and resists the passage of smoke. Any doors or openings shall have fire- and smoke-resisting capability equivalent to that of the enclosure and shall be self-closing or automatic closing.

(B) Interior stairways shall be closed with one (1)-hour fire barriers, with all opening equipped with smoke-actuated automatic-closing or self-closing doors having a fire resistance comparable to that required for the enclosure.

(C) All furnace rooms, rooms containing water heaters, boiler rooms, storage rooms, laundry rooms and all other rooms or areas deemed hazardous by the state fire marshal inspector shall be separated from the remainder of the building by construction having not less than a one (1)-hour fire resistance rating. All doors to these rooms shall have a self-closing device attached and shall have a minimum one (1)-hour fire rating.

(D) All doors to sleeping rooms shall have a fire resistance rating of twenty (20) minutes.

(E) All buildings shall be protected throughout by an approved, automatic sprinkler system installed in accordance with the National Fire Protection Association, Standards for Installation of Sprinkler Systems. Quick response or residential sprinkler heads shall be installed throughout the structure.

(F) The sprinkler system shall initiate the fire alarm system upon activation of water flow.

(G) Tamper switches shall be installed on the sprinkler system valves and shall transmit a supervisory signal to the fire alarm control panel.

(H) All facilities shall have the sprinkler system tested, inspected, and approved annually by a fire sprinkler company. A copy of the test report and approval of the system shall be kept on file at the facility for review by the state fire marshal inspector.

(5) Interior Finish.

(A) Interior wall and ceiling finishes throughout shall be a minimum Class B finish, as specified in the definition section of these fire safety rules. Textile material having a napped, tufted, looped, woven, non-woven, or similar surface shall not be applied to walls or ceilings. Foam plastic materials or other highly flammable or toxic materials shall not be used as an interior wall, ceiling, or floor finish.

(B) All wall studs, ceiling joists, and floor joists shall be covered with a minimum of Class B finish, and no exposed studs or joists shall be allowed.

(C) Hangings or draperies shall not be placed over exit doors or be located to conceal or obscure any exit. All other hangings and draperies shall be treated with a flame retardant material with verification to this effect on file for the fire inspector to review. Exception shall be made for small window valances. These exceptions shall be noted on the fire inspection survey.

(6) Detection, Alarms, Extinguishment.

(A) All facilities shall have a full coverage electrical fire alarm system. Pull stations shall be mounted at each exit door and at least one (1) horn/strobe shall be installed in a central location on each floor. Smoke detectors shall be installed in all sleeping rooms, throughout all corridors, in all living spaces, storage rooms and offices. Additional smoke detectors may be required by the state fire marshal as deemed necessary. Heat detectors shall be installed in all mechanical rooms, kitchens and throughout the attic. The battery backup control panel shall be UL or F.M. listed and installed on a dedicated circuit in the breaker box. The fire alarm system shall be installed and maintained in good working order and should be UL or F.M. listed. The fire system shall be installed and maintained per the National Fire Alarm Code (NFPA72) and the National Electrical Code.

(B) All smoke detectors that are ten (10) years old or older shall be replaced with new smoke detectors of the same style. The new smoke detectors shall have the installation date written on the side of the detector for the state fire marshal to reference.

(C) All smoke detectors that are connected to a fire alarm system shall be replaced after ten (10) years of service, or recalibrated by the smoke detectors manufacturer. If the smoke detectors are recalibrated, temporary smoke detectors shall be installed so that the fire alarm system continues working properly and providing protection to the occupants while the original smoke detectors are being serviced.

(D) Any facility that has hearing-impaired occupants shall make adequate provisions so that the activation of any fire alarm system shall notify the occupants of the home. The state fire marshal inspector may require additional requirements for the hearing impaired occupants to insure adequate notification.

(E) Occupant notification shall be provided automatically without delay. Pre-signal systems shall be prohibited.

(F) All facilities shall have the fire alarm system tested, inspected, and approved annually by a fire alarm company. A copy of the test report and approval of the system shall be kept on file at the facility for review by the state fire marshal inspector.

(G) Facilities using equipment or appliances that pose a potential carbon monoxide risk, including facilities with attached garages, shall install a carbon monoxide detector(s). The detector(s) shall be installed according to the manufacturer's instructions. The state fire marshal inspector may require additional carbon monoxide detectors if the state fire marshal inspector determines that the safety of the occupants is endangered.

1. Carbon monoxide detectors shall be in good operating condition. If a battery-operated detector is not operational, the facility shall install a detector that is powered by the home's electrical system with a battery backup.

2. If an elevated carbon monoxide level is detected during a fire inspection, the facility shall have all gas-fired appliances checked by a heating and air conditioning company to identify the source of the carbon monoxide. Until the facility has documentation on file at the home verifying that all gas-fired appliances were checked by a heating and air conditioning company and are in safe working order, and the facility is determined safe by the state fire marshal inspector, the fire inspection shall not be approved.

3. If a level of carbon monoxide is determined that endangers the lives of the occupants, the state fire marshal inspector shall take measures necessary to protect the occupants. This may include evacuation of the building or closing the facility. The facility shall obtain and have on file at the facility, documentation verifying that all gas-fired appliances were checked by a heating and air conditioning company and are in safe working order. The facility shall be reinspected by the fire inspector and determined safe before the occupants can return to the building or the facility can reopen.

(H) At least one (1) portable (five pound (5 lb)) 2A-10B:C fire extinguisher shall be required in all facilities. One (1) fire extinguisher shall be located in the kitchen. Additional fire extinguishers shall be placed throughout the facility and the travel distance shall be no greater than seventy-five feet (75') between fire extinguishers. Additional fire extinguishers may be required by the state fire marshal inspector depending on the floor plan arrangement of space and the number of levels used.

(I) Fire extinguishers shall be installed and maintained according to the instructions of the state fire marshal inspector and shall be inspected and approved annually by a fire extinguisher company. Documentation of the inspection and approval shall be on file at the facility and available for review by the state fire marshal inspector.

(J) Facilities using a commercial stove, deep fryer, or two (2) home type ranges placed side by side, or a home type range that produces a grease laden vapor shall be equipped with a range hood and extinguishing system with an automatic cutoff of the fuel supply and exhaust system in case of fire. The state fire marshal inspector shall inspect these systems to insure they are in good working condition and installed/maintained correctly. The state fire marshal inspector shall base this inspection on National Fire Protection Association, Chapter 96, Standard for Fire Protection of Commercial Cooking Operations.

(K) The range hood fire extinguishment system shall be connected to the control panel of the fire alarm system. The activation of the range hood fire extinguishment system shall cause the fire alarm system to activate throughout the building.

(7) Heating, Ventilating, Air Conditioning, and Mechanical Equipment.

(A) Unvented fuel-fired room heaters, portable electric space heaters and floor furnaces shall not be permitted for use.

(B) No facility shall be allowed to heat the home with a wood burning stove, fireplace, or wood burning furnace located inside of the structure as a primary source of heat.

(C) All gas and electric heating equipment shall be equipped with thermostatic controls. All hot water heaters shall have a properly sized pressure relief valve and properly vented by galvanized flue pipe and screws at every joint in the pipe or by material recommended by the manufacturer if they are gas fired. The drip leg pipe on the pressure relief valve shall extend to approximately six inches (6") above the floor and shall be copper or CPVC and cannot be reduced in size.

(D) Facilities with a water heater over two hundred thousand British thermal units (200,000 Btus) per hour input or larger, or that is heating with a boiler, shall have a valid permit from the Division of Fire Safety posted on the premises. A copy of the permit shall be kept on file at the Division of Fire Safety.

(E) All furnace rooms shall be properly vented. Furnace flue pipes shall be constructed of galvanized pipe or material recommended by the manufacturer. All galvanized pipe shall be secured by screws at every joint in the pipe.

(F) All joints in the gas supply pipe shall be located outside of the furnace cabinet housing.

(G) A gas shutoff valve shall be located next to all gas appliances, furnaces, hot water heaters.

(H) All furnaces shall be equipped with an electrical fused switch to protect the unit from electrical overloading and to disconnect the electrical supply.

(I) If a furnace or hot water heater is located inside a garage, they shall be at least eighteen inches (18") above the finished floor and enclosed inside a fire resistant room as described in subsection (4)(C) of this rule.

(J) All furnace rooms and rooms containing the gas hot water heater shall have adequate combustion air for the units. The vent size opening for the combustion air shall be measured at one square (1) inch per one thousand (1,000) Btus input if the combustion air is drawn from inside the structure and one (1) square inch per four thousand (4,000) Btus input if the air is drawn from outside of the structure. There shall be two (2) combustion air vent openings in each furnace room, one (1) located at the lower level and the other at the upper level.

(K) One (1) combustion air vent opening shall be permitted if the vent opening communicates directly to the outside of the structure. This opening shall be one (1) square inch per three thousand (3,000) Btus input of the total gas appliances located in this room. The gas appliances must have a clearance around them, of one inch (1") from the sides and back, and six inches (6") from the front of the unit.

(L) Air conditioning, heating, ventilating duct work, and related equipment shall be installed in a safe manner and be in good operating condition as determined by the state fire marshal inspector.

(M) Any furnace or air handling equipment that has airflow of two thousand (2,000) cubic feet per minute or more, shall have a fan shutdown switch that is interconnected with the fire alarm system.

(N) All elevators shall be inspected annually by a state licensed elevator inspector and shall obtain an annual state operating permit form from the Division of Fire Safety and post it as required.

(8) Electrical Services.

(A) Electrical wiring shall be installed and maintained in good working order. If the state fire marshal considers the wiring to be unsafe for the occupants or if it is installed improperly, an inspection by a licensed electrician may be required prior to fire safety approval. The inspection by the licensed electrician shall be based on National Fire Protection Association, Chapter 70, National Electrical Code.

(B) No electrical extension cords will be allowed, unless approved in writing by the state fire marshal. Extension cords shall not be permanently affixed to the structure or replace permanent wiring. Exception: The use of UL approved fused power surge strips is acceptable.

(9) Equivalency Concepts. Nothing in this rule is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety as alternatives required by this rule. These alternatives may be used only if technical documentation to demonstrate equivalency and the system, method, or device is submitted and approved by the Missouri Division of Fire Safety.

AUTHORITY: section 630.655, RSMo 2000.

PUBLIC COST: This rule under consideration will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This rule under consideration will have some fiscal impact to private entities. The department was not successful in its efforts to obtain fiscal information from private entities affected by this rule, which is necessary to accurately estimate cost. See fiscal note.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this rule under consideration by writing to Donna Haley, Mental Health Manager, Division of Mental Retardation and Developmental Disabilities, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Fiscal Note
Private Entity Cost****I. RULE NUMBER**

Title: 9 Department of Mental Health

Division: 45 Division of Mental Retardation and Developmental Disabilities

Chapter: 5 Standards

Type of Rulemaking: Rule Under Consideration

Rule Number and Name: 9 CSR 45-5.150 Fire Safety for Residential Habilitation for 17 or more People

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adopting of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule to the affected entities:
38 facilities	Residential Habilitation Homes	Unknown

III. WORKSHEET

N/A

IV. ASSUMPTIONS AND METHODOLOGY

Previously, for fire inspections, Residential Habilitation Homes for 17 or more people could choose between a local fire authority and the state fire marshal. With this rule all sites must have inspections conducted by the state fire marshal inspector. This should result in fire safety inspections that have a higher level of consistency and, in some cases, a higher level of expertise.

It is felt that these proposed changes could have some fiscal impact on the affected entities. Since these entities were under other jurisdiction (local fire department), it is unknown what changes are necessary to meet the requirements of this rule. The following are fire safety items that may cause fiscal impact.

Notification: smoke detectors, carbon monoxide detectors, full fire alarm systems, pull alarms.

Extinguishment: range hoods with fire suppressant equipment, fire extinguishing systems.

Compartmentation: venting furnace rooms, fire stop partitions between floors, doors and walls with fire rating, separation of heating room. Escape: ramp, addition of outside doors to satisfy interior distance requirements, exit signs, emergency lighting.

However, our efforts to obtain fiscal information have not succeeded. Therefore, we are unable to assess or estimate the fiscal impact of the affected entities at this time.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—26 (2001), 27 (2002) and 28 (2003). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				27 MoReg 189 27 MoReg 1724
1 CSR 15-3.320	Administrative Hearing Commission		This Issue		
1 CSR 15-3.350	Administrative Hearing Commission		This Issue		
DEPARTMENT OF AGRICULTURE					
2 CSR 30-2.010	Animal Health		28 MoReg 399 28 MoReg 707	28 MoReg 1117	
2 CSR 30-2.020	Animal Health		28 MoReg 399 28 MoReg 708 28 MoReg 708	28 MoReg 1117	
2 CSR 30-2.040	Animal Health		28 MoReg 400 28 MoReg 711	28 MoReg 1117	
2 CSR 30-6.020	Animal Health		28 MoReg 400	28 MoReg 1117	
2 CSR 30-9.020	Animal Health		28 MoReg 1085		
2 CSR 30-9.030	Animal Health		28 MoReg 1086		
2 CSR 70-16.010	Plant Industries		28 MoReg 308	28 MoReg 1207	
2 CSR 70-16.015	Plant Industries		28 MoReg 308	28 MoReg 1207	
2 CSR 70-16.020	Plant Industries		28 MoReg 309	28 MoReg 1207	
2 CSR 70-16.025	Plant Industries		28 MoReg 309	28 MoReg 1207	
2 CSR 70-16.030	Plant Industries		28 MoReg 312	28 MoReg 1208	
2 CSR 70-16.035	Plant Industries		28 MoReg 314	28 MoReg 1208	
2 CSR 70-16.040	Plant Industries		28 MoReg 314	28 MoReg 1208	
2 CSR 70-16.045	Plant Industries		28 MoReg 314	28 MoReg 1208	
2 CSR 70-16.050	Plant Industries		28 MoReg 315	28 MoReg 1208	
2 CSR 70-16.055	Plant Industries		28 MoReg 315	28 MoReg 1208	
2 CSR 70-16.060	Plant Industries		28 MoReg 316	28 MoReg 1209	
2 CSR 70-16.065	Plant Industries		28 MoReg 318	28 MoReg 1209	
2 CSR 70-16.070	Plant Industries		28 MoReg 318	28 MoReg 1209	
2 CSR 70-16.075	Plant Industries		28 MoReg 318	28 MoReg 1209	
2 CSR 80-5.010	State Milk Board		28 MoReg 637	This Issue	
2 CSR 90-10.040	Weights and Measures		27 MoReg 1161		
2 CSR 90-30.050	Weights and Measures		27 MoReg 1565		
DEPARTMENT OF CONSERVATION					
3 CSR 10-4.111	Conservation Commission		28 MoReg 1088		
3 CSR 10-5.352	Conservation Commission		This Issue		
3 CSR 10-5.552	Conservation Commission		This Issue		
3 CSR 10-5.553	Conservation Commission		This Issue		
3 CSR 10-5.577	Conservation Commission		This Issue		
3 CSR 10-5.578	Conservation Commission		This Issue		
3 CSR 10-6.405	Conservation Commission		28 MoReg 851	This Issue	
3 CSR 10-7.410	Conservation Commission		28 MoReg 1088		
3 CSR 10-7.435	Conservation Commission		N.A.	This Issue	
3 CSR 10-7.455	Conservation Commission		28 MoReg 1089		
3 CSR 10-9.110	Conservation Commission		28 MoReg 1089		
3 CSR 10-10.726	Conservation Commission		28 MoReg 851	This Issue	
3 CSR 10-10.732	Conservation Commission		28 MoReg 852	This Issue	
3 CSR 10-10.745	Conservation Commission		N.A.	28 MoReg 1118R	
3 CSR 10-11.160	Conservation Commission		28 MoReg 1089		
3 CSR 10-11.180	Conservation Commission		28 MoReg 1090		
3 CSR 10-11.182	Conservation Commission		28 MoReg 1090 This Issue		
3 CSR 10-11.186	Conservation Commission		28 MoReg 1091		
3 CSR 10-11.205	Conservation Commission		28 MoReg 1091		
3 CSR 10-12.110	Conservation Commission		28 MoReg 1092		
3 CSR 10-12.135	Conservation Commission		28 MoReg 1092		
3 CSR 10-12.140	Conservation Commission		28 MoReg 1093		
3 CSR 10-20.805	Conservation Commission		This Issue		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 30-16.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 852		
4 CSR 30-16.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 853		
4 CSR 30-16.040	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 854		
4 CSR 30-16.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 855		
4 CSR 30-16.070	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 855		
4 CSR 30-16.080	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 855		
4 CSR 30-16.090	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 856		
4 CSR 30-16.100	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 856		
4 CSR 100	Division of Credit Unions				28 MoReg 914 28 MoReg 1143 28 MoReg 1219
4 CSR 100-2.080	Division of Credit Unions		This Issue		
4 CSR 115-1.040	State Committee of Dietitians		This Issue		
4 CSR 140-2.055	Division of Finance		28 MoReg 319	28 MoReg 1209	
4 CSR 140-2.140	Division of Finance		28 MoReg 320	28 MoReg 1210	
4 CSR 140-11.010	Division of Finance		28 MoReg 320R	28 MoReg 1211R	
4 CSR 140-11.020	Division of Finance		28 MoReg 320R	28 MoReg 1211R	
4 CSR 140-11.030	Division of Finance		28 MoReg 321	28 MoReg 1211	
4 CSR 140-11.040	Division of Finance		28 MoReg 322	28 MoReg 1211	
4 CSR 145-1.030	Missouri Board of Geologist Registration		28 MoReg 857		
4 CSR 145-2.030	Missouri Board of Geologist Registration		28 MoReg 857		
4 CSR 145-2.100	Missouri Board of Geologist Registration		28 MoReg 857		
4 CSR 150-3.080	State Board of Registration for the Healing Arts		This Issue		
4 CSR 150-3.170	State Board of Registration for the Healing Arts		This Issue		
4 CSR 165-2.010	Board of Examiners for Hearing Instrument Specialists		28 MoReg 857		
4 CSR 165-2.030	Board of Examiners for Hearing Instrument Specialists		28 MoReg 858		
4 CSR 165-2.060	Board of Examiners for Hearing Instrument Specialists		28 MoReg 858		
4 CSR 200-4.010	State Board of Nursing		28 MoReg 541	28 MoReg 1212	
4 CSR 200-4.021	State Board of Nursing		This Issue		
4 CSR 200-4.100	State Board of Nursing		This Issue		
4 CSR 220-2.010	State Board of Pharmacy		28 MoReg 543		
4 CSR 220-2.130	State Board of Pharmacy		28 MoReg 403	28 MoReg 1212	
4 CSR 220-2.190	State Board of Pharmacy		27 MoReg 2268	28 MoReg 900W	
4 CSR 220-2.200	State Board of Pharmacy		28 MoReg 10R	28 MoReg 1118R	
			28 MoReg 10	28 MoReg 1118	
4 CSR 220-2.400	State Board of Pharmacy		28 MoReg 20	28 MoReg 1133	
4 CSR 220-2.900	State Board of Pharmacy		28 MoReg 543		
4 CSR 220-5.020	State Board of Pharmacy		28 MoReg 1177		
4 CSR 231-2.010	Division of Professional Registration		This Issue		
4 CSR 235-1.020	State Committee of Psychologists		28 MoReg 545	28 MoReg 1212	
4 CSR 240-3.180	Public Service Commission		28 MoReg 1024		
4 CSR 240-3.250	Public Service Commission		28 MoReg 1028		
4 CSR 240-20.065	Public Service Commission		28 MoReg 711	This Issue	
4 CSR 240-31.010	Public Service Commission		27 MoReg 2159	28 MoReg 1048	
4 CSR 240-31.050	Public Service Commission		27 MoReg 2160	28 MoReg 1048	
4 CSR 240-31.060	Public Service Commission		27 MoReg 2163	28 MoReg 1049	
4 CSR 240-31.065	Public Service Commission		27 MoReg 2166	28 MoReg 1049	
4 CSR 240-33.070	Public Service Commission		27 MoReg 2169	28 MoReg 1050	
4 CSR 240-40.018	Public Service Commission		28 MoReg 1032		
4 CSR 240-120.085	Public Service Commission		28 MoReg 1032		
4 CSR 240-120.140	Public Service Commission	28 MoReg 287	28 MoReg 547	28 MoReg 1135	
4 CSR 240-121.065	Public Service Commission		28 MoReg 1035		
4 CSR 240-123.030	Public Service Commission	28 MoReg 288	28 MoReg 549	28 MoReg 1136	
4 CSR 240-123.095	Public Service Commission		28 MoReg 1037		
4 CSR 267-4.020	Office of Tattooing, Body Piercing and Branding	28 MoReg 947			
4 CSR 270-1.021	Missouri Veterinary Medical Board		28 MoReg 859		
4 CSR 270-1.031	Missouri Veterinary Medical Board		28 MoReg 861		
4 CSR 270-2.051	Missouri Veterinary Medical Board		28 MoReg 861		
4 CSR 270-4.031	Missouri Veterinary Medical Board		28 MoReg 861		
4 CSR 270-4.042	Missouri Veterinary Medical Board		28 MoReg 861		
4 CSR 270-4.060	Missouri Veterinary Medical Board		28 MoReg 862		
4 CSR 270-7.010	Missouri Veterinary Medical Board		28 MoReg 864		
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 30-4.010	Division of Administrative and Financial Services		28 MoReg 322R	28 MoReg 1212R	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
5 CSR 30-261.010	Division of Administrative and Financial Services		28 MoReg 1180		
5 CSR 50-310.010	Division of School Improvement		28 MoReg 1039R		
5 CSR 50-340.110	Division of School Improvement		28 MoReg 1039		
5 CSR 50-340.200	Division of School Improvement		28 MoReg 1040		
5 CSR 50-350.015	Division of School Improvement		28 MoReg 1042R		
5 CSR 50-350.040	Division of School Improvement		28 MoReg 640		
5 CSR 50-355.100	Division of School Improvement		28 MoReg 323	28 MoReg 1212	
5 CSR 50-360.010	Division of School Improvement		28 MoReg 1042R		
5 CSR 50-370.010	Division of School Improvement		28 MoReg 1042R		
5 CSR 60-120.020	Vocational and Adult Education		28 MoReg 1181		
5 CSR 60-900.050	Vocational and Adult Education		28 MoReg 1093		
5 CSR 70-742.160	Special Education		28 MoReg 1042R		
5 CSR 90-4.410	Vocational Rehabilitation		28 MoReg 864		
5 CSR 90-4.420	Vocational Rehabilitation		28 MoReg 864		
5 CSR 90-5.410	Vocational Rehabilitation		28 MoReg 864		
5 CSR 90-5.420	Vocational Rehabilitation		28 MoReg 867		
5 CSR 90-5.440	Vocational Rehabilitation		28 MoReg 869		

DEPARTMENT OF HIGHER EDUCATION

6 CSR 10-6.010	Commissioner of Higher Education		28 MoReg 956		
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DEPARTMENT OF TRANSPORTATION

7 CSR 10-3.040	Missouri Highways and Transportation Commission	28 MoReg 1173R	28 MoReg 1182R		
7 CSR 10-6.010	Missouri Highways and Transportation Commission		28 MoReg 958		
7 CSR 10-6.015	Missouri Highways and Transportation Commission		28 MoReg 958		
7 CSR 10-6.020	Missouri Highways and Transportation Commission		28 MoReg 960		
7 CSR 10-6.030	Missouri Highways and Transportation Commission		28 MoReg 960		
7 CSR 10-6.040	Missouri Highways and Transportation Commission		28 MoReg 961		
7 CSR 10-6.050	Missouri Highways and Transportation Commission		28 MoReg 963		
7 CSR 10-6.060	Missouri Highways and Transportation Commission		28 MoReg 963		
7 CSR 10-6.070	Missouri Highways and Transportation Commission		28 MoReg 964		
7 CSR 10-6.080	Missouri Highways and Transportation Commission		28 MoReg 966		
7 CSR 10-6.085	Missouri Highways and Transportation Commission		28 MoReg 967		
7 CSR 10-6.090	Missouri Highways and Transportation Commission		28 MoReg 968		
7 CSR 10-6.100	Missouri Highways and Transportation Commission		28 MoReg 968		
7 CSR 10-25.010	Missouri Highways and Transportation Commission	28 MoReg 1173	28 MoReg 1182		

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

8 CSR 10-3.010	Division of Employment Security		28 MoReg 551	MoReg 1213	
8 CSR 10-3.130	Division of Employment Security	28 MoReg 948	28 MoReg 969		
8 CSR 20-3.030	Labor and Industrial Relations Commission		28 MoReg 325	MoReg 1214	

DEPARTMENT OF MENTAL HEALTH

9 CSR 10-5.200	Director, Department of Mental Health		28 MoReg 1094		
9 CSR 10-5.220	Director, Department of Mental Health	28 MoReg 847	28 MoReg 873		
9 CSR 10-7.090	Director, Department of Mental Health	28 MoReg 848	28 MoReg 873		
9 CSR 10-7.130	Director, Department of Mental Health		28 MoReg 645		
9 CSR 30-3.032	Certification Standards	28 MoReg 848	28 MoReg 874		
9 CSR 45-5.060	Division of Mental Retardation and Developmental Disabilities	28 MoReg 848	28 MoReg 874		
9 CSR 45-5.105	Division of Mental Retardation and Developmental Disabilities		This Issue		
9 CSR 45-5.110	Division of Mental Retardation and Developmental Disabilities		This Issue		
9 CSR 45-5.130	Division of Mental Retardation and Developmental Disabilities		This Issue		
9 CSR 45-5.140	Division of Mental Retardation and Developmental Disabilities		This Issue		
9 CSR 45-5.150	Division of Mental Retardation and Developmental Disabilities		This Issue		

DEPARTMENT OF NATURAL RESOURCES

10 CSR 10-2.070	Air Conservation Commission		28 MoReg 551		
10 CSR 10-2.340	Air Conservation Commission		28 MoReg 325	This Issue	
10 CSR 10-2.390	Air Conservation Commission		28 MoReg 552		
10 CSR 10-3.090	Air Conservation Commission		28 MoReg 553		
10 CSR 10-4.070	Air Conservation Commission		28 MoReg 553		
10 CSR 10-5.160	Air Conservation Commission		28 MoReg 554		
10 CSR 10-5.480	Air Conservation Commission		28 MoReg 555		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
10 CSR 10-6.020	Air Conservation Commission		28 MoReg 719		
10 CSR 10-6.060	Air Conservation Commission		28 MoReg 724		
10 CSR 10-6.061	Air Conservation Commission		28 MoReg 728		
10 CSR 10-6.062	Air Conservation Commission		28 MoReg 731		
10 CSR 10-6.065	Air Conservation Commission		28 MoReg 734		
10 CSR 10-6.070	Air Conservation Commission		28 MoReg 555		
10 CSR 10-6.075	Air Conservation Commission		28 MoReg 557		
10 CSR 10-6.080	Air Conservation Commission		28 MoReg 559		
10 CSR 10-6.100	Air Conservation Commission		27 MoReg 2274	28 MoReg 1136	
10 CSR 10-6.110	Air Conservation Commission		28 MoReg 1095		
10 CSR 10-6.350	Air Conservation Commission		28 MoReg 141	This Issue	
10 CSR 20-6.010	Air Conservation Commission		28 MoReg 1106		
10 CSR 25-12.010	Hazardous Waste Management Commission		28 MoReg 874		
10 CSR 30-2.020	Land Survey		28 MoReg 878		
10 CSR 30-2.030	Land Survey		28 MoReg 879		
10 CSR 30-2.040	Land Survey		28 MoReg 879		
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10 CSR 60-2.015	Public Drinking Water Program		28 MoReg 735		
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10 CSR 60-7.010	Public Drinking Water Program		28 MoReg 753		
10 CSR 60-8.010	Public Drinking Water Program		28 MoReg 757R		
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10 CSR 60-8.030	Public Drinking Water Program		28 MoReg 764		
10 CSR 60-9.010	Public Drinking Water Program		28 MoReg 776		
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11 CSR 40-2.030	Division of Fire Safety		28 MoReg 645R	28 MoReg 1214R	
11 CSR 40-2.040	Division of Fire Safety		28 MoReg 646R	28 MoReg 1214R	
11 CSR 40-2.050	Division of Fire Safety		28 MoReg 646R	28 MoReg 1214R	
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11 CSR 40-6.080	Division of Fire Safety		28 MoReg 980		
11 CSR 40-6.085	Division of Fire Safety		28 MoReg 981		
11 CSR 45-3.010	Missouri Gaming Commission		28 MoReg 403	This Issue	
11 CSR 45-4.260	Missouri Gaming Commission		28 MoReg 34		
11 CSR 45-5.200	Missouri Gaming Commission		28 MoReg 404	This Issue	
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11 CSR 45-10.030	Missouri Gaming Commission		28 MoReg 649		
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11 CSR 50-2.430	Missouri State Highway Patrol	28 MoReg 629	28 MoReg 649	28 MoReg 1215	
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13 CSR 70-40.010	Division of Medical Services	28 MoReg 397T	28 MoReg 650		
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13 CSR 73-2.080	Missouri Board of Nursing Home Administrators (<i>Changed to 19 CSR 73-2.080</i>)		28 MoReg 420	28 MoReg 1217	
13 CSR 73-2.085	Missouri Board of Nursing Home Administrators (<i>Changed to 19 CSR 73-2.085</i>)		28 MoReg 421	28 MoReg 1217	
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4 CSR 240-120.140 New Manufactured Home Manufacturer's Inspection Fee 28 MoReg 287 August 1, 2003

4 CSR 240-123.030 Seals 28 MoReg 288 August 1, 2003

Office of Tattooing, Body Piercing and Branding

4 CSR 267-4.020 Temporary Practitioner License 28 MoReg 947 October 24, 2003

Department of Transportation**Missouri Highways and Transportation Commission**

7 CSR 10-3.040 Division of Relocation Costs 28 MoReg 1173 February 26, 2004

7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers 28 MoReg 1173 February 26, 2004

Department of Labor and Industrial Relations**Division of Employment Security**

8 CSR 10-3.130 Direct Deposit of Unemployment Benefits 28 MoReg 948 October 27, 2003

Department of Mental Health**Director, Department of Mental Health**

9 CSR 10-5.220 Privacy Rule of Health Insurance Portability and Accountability
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9 CSR 10-7.090 Governing Authority and Program Administration 28 MoReg 848 October 14, 2003

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9 CSR 30-3.032 Certification of Alcohol and Drug Abuse Programs 28 MoReg 848 October 14, 2003

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9 CSR 45-5.060 Procedures to Obtain Certification 28 MoReg 848 October 14, 2003

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11 CSR 50-2.430 Verification of Homemade Trailers 28 MoReg 629 September 22, 2003

11 CSR 50-2.440 Vehicle Identification Number and Odometer Reading Verification 28 MoReg 629 September 22, 2003

Department of Social Services**Division of Medical Services**

13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services 28 MoReg 103 July 15, 2003

13 CSR 70-15.110 Federal Reimbursement Allowance (FRA) 28 MoReg 1023 February 19, 2004

13 CSR 70-65.010 Rehabilitation Center Program 28 MoReg 291 August 27, 2003

13 CSR 70-70.010 Therapy Program 28 MoReg 293 August 27, 2003

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15 CSR 30-80.010 Redaction of the Social Security Numbers and Date of Birth from
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Department of Health and Senior Services**Office of the Director**

19 CSR 10-33.040 Electronic Reporting of Patient Abstract Data by
Hospitals for Public Syndromic Surveillance This Issue January 2, 2004

Division of Health Standards and Licensure

19 CSR 30-40.309 Application and Licensure Requirements Standards for the Licensure
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Department of Insurance**Market Conduct Examination**

20 CSR 300-2.200 Records Required for Purposes of Market Conduct Examinations 28 MoReg 397 August 22, 2003

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03-01	Reestablishes the Missouri Lewis and Clark Bicentennial Commission	February 3, 2003	28 MoReg 296
03-02	Establishes the Division of Family Support in the Dept. of Social Services	February 5, 2003	28 MoReg 298
03-03	Establishes the Children's Division in the Dept. of Social Services	February 5, 2003	28 MoReg 300
03-04	Transfers all TANF functions to the Division of Workforce Development in the Dept. of Economic Development	February 5, 2003	28 MoReg 302
03-05	Transfers the Division of Highway Safety to the Dept. of Transportation	February 5, 2003	28 MoReg 304
03-06	Transfers the Minority Business Advocacy Commission to the Office of Administration	February 5, 2003	28 MoReg 306
03-07	Creates the Commission on the Future of Higher Education	March 17, 2003	28 MoReg 631
03-09	Lists Governor's Staff Who Have Supervisory Authority Over Departments	March 18, 2003	28 MoReg 633
03-10	Creates the Missouri Energy Policy Council	March 13, 2003	28 MoReg 634
03-11	Creates the Citizens Advisory Committee on Corrections	April 1, 2003	28 MoReg 705
03-12	Declares Disaster Areas due to May 4 Tornadoes	May 5, 2003	28 MoReg 950
03-13	Calls National Guard to Assist in Areas Harmed by the May 4 Tornadoes	May 5, 2003	28 MoReg 952
03-14	Temporarily Suspends Enforcement of Environmental Rules due to the May 4th [et.al] Tornadoes	May 7, 2003	28 MoReg 954

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VOTING PROCEDURES

eligibility for provisional ballots to be counted; 15 CSR 30-8.020;
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RULEMAKING 1-2-3

MISSOURI STYLE

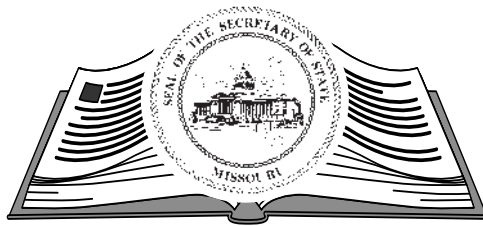


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